



*Non-public meeting in accordance with RSA 91-A:3, II (j) followed by non-public meeting in accordance with RSA 91-A: 3, II (d) to discuss property acquisition and a non-public meeting regarding collective bargaining in accordance with RSA 91-A:2, I(a) to be held at 5:30 pm*

City Council Meeting  
**Agenda**  
**August 12, 2013**  
City Council Chambers  
7:00 p.m.

1. Call to Order.
2. Invocation by Rabbi Robin Nafshi, Temple Beth Jacob.
3. Pledge of Allegiance.
4. Roll Call.
5. Resolution in recognition of the services of Lieutenant Paul Leger. (7-27)
6. Creative Concord – public art on Main Street presentation.
7. Approval of the July 8, 2013 Meeting Minutes.
8. Agenda overview by the Mayor.

*- Consent Agenda Items -*

**Referral to the Facilities Naming Committee and the Recreation and Parks Advisory Committee**

9. Communication from Bob Hatch asking that City Council consider renaming the courts at Keach Park, Hatch Courts, in memory of his father Paul O. Hatch.

**Referral to the Traffic Operations Committee**

10. Communication from the Deputy City Manager – Development asking that an examination of the performance of the Regional Drive/Chenell Drive intersection be made.

**Referral to Community Development and the Planning Board**

11. Communication from Nicholas Golon, TFM, on behalf of their client, Public Service Company of New Hampshire (PSNH) requesting release of a future road right-of-way located on land owned by PSNH in Concord, tax map 122, block 2, lot 28.

**Items Tabled for an September 9, 2013 Public Hearing**

12. Resolution accepting and appropriating the sum of \$48,315 in unmatched grant funds from the New Hampshire Department of Safety Homeland Security Grant Program; together with report from the Fire Chief.
13. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; Program Coordinator and Recreation Supervisor; together with report from Human Resources Director.
14. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration.
15. Resolution relative to the public highway discontinuance of a portion of North State Street between Church Street and Bouton Street in Concord, New Hampshire; together with report from the City Planner.
16. Resolution appropriating the sum of \$1,570,000, including acceptance of \$560,000 in Community Development Investment Program Tax Credits from the NH Community Development Finance Authority and authorizing the issuance of \$1,010,000 in bonds and notes; said amount being the private sector supported match for construction of the Downtown Complete Street Project (CIP # 460); together with report from the Assistant for Special Projects.
17. Report from the Director of Real Estate Assessments regarding a payment in lieu of taxes agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls.
18. Resolution accepting and appropriating \$12,200 from the New Hampshire Division of Historical Resources Certified Local Government (CLG) Program for the conduct and preparation of a study of the historic carriage houses and urban barns within the City of Concord's West End Neighborhood; together with report from the City Planner.
19. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-6, Miscellaneous Rules, Section 17-6-7, Truck Routes in the City of Concord; together with report from the Legal Department.

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20. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-8, Parking Time Limited in Designated Places, Schedule III; Charles Street; together with report from the Parking Committee.

**From the City Manager**

21. Positive Citizen Comments.

**Consent Reports**

22. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,126.30 as provided for under the preauthorization granted by City Council.
23. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$700 as provided for under the preauthorization granted by City Council.
24. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$19,714.40 as provided for under the preauthorization granted by City Council.
25. Report from the City Planner in response to a communication from Richard Uchida, Hinckley Allen Snyder LLP, on behalf of the Grappone Companies requesting rezoning of a portion of property located at 94 Manchester Street in Concord. (3-9)
26. Report from the Legal Department in response to a communication from Robert Baker requesting the development of a policy in regards to hockey on White Park Pond. (1Sus1)
27. Report from the Legal Department in response to a petition, signed by New Hampshire citizens, requesting the City of Concord establish and enforce a code to create a buffer zone of 35', the distance at which demonstrators and protesters must stay from the property of reproductive health care clinics within the City. (5-8) (7Inf8)
28. Report from the General Services Department in response to a communication from Herbert Leisy asking for increased vigilance in addressing recurring refuse by the City in an attempt to restore residential quality of life in the Old Loudon Road area. (6-10)
29. Semi-Annual Report of Contracted Solid Waste and Recycling Services.
30. Report to Council from the General Services Department announcing the establishment of e-billing for City utility bills.
31. Fiscal Year 2014, CIP #283, revenue budget correction report from the Deputy City Manager – Finance

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32. Comprehensive Annual Financial Report Award report from the Deputy City Manager-Finance and the Assistant Finance Director.
33. Report from the Traffic Operations Committee in response to a petition requesting the installation of a four way stop intersection at the intersection of Thorndike and South State Streets as well as a request that additional improvements in that area be considered. (5-9)
34. Report from the Traffic Operations Committee in response to a communication from Judi King requesting a speed zone sign on Church Street between North State Street and Bouton Street. (7-8)
35. Quarterly current use report from the Director of Real Estate Assessments.

### **Consent Resolutions**

36. Resolution authorizing the City Manager to enter into a memorandum of agreement (MOA) for up to \$225,000 with the New Hampshire Fish and Game Department to administer the Mitigation Management Plan associated with the environmental impacts to the designated conservation zone for the Taxiway B construction project; together with a report from the Associate Engineer.

### **Consent Communications**

37. Street closure request for a neighborhood block party to be held on Sunday, August 25, 2013.
38. Street closure request for a YMCA block party/barbecue to be held on Friday, September 13, 2013.
39. Street closure request for the 8<sup>th</sup> Annual Multicultural Festival to be held on Saturday, September 28, 2013.
40. Street closure request from Bishop Brady High School for a homecoming parade to be held on Saturday, September 28, 2013.

### **Appointments**

41. City Manager's proposed reappointment to the Building Board of Appeals.  
*Richard Burpee, Ed Rimm, Peter Welch*
42. Mayor's proposed reappointment to the Recreation and Parks Advisory Committee.  
*Chiara Dolcino, Lauren Flieder, Glen Mathews*
43. Mayor's proposed reappointment to the Solid Waste Advisory Committee.  
*Melanie Doiron, Mike Russell*

44. Mayor's proposed reappointments/appointments to the Public Safety Advisory Board.  
*Anthony Bourque, Jim Cotsana, Steve Edwards, Jim O'Neill and Michael Russel, Carol Hargrove and Lisa Brown*
45. Mayor's proposed reappointment to the Everett Arena Advisory Board.  
*Dan Arndt*
46. Mayor's proposed reappointments to the Golf Course Advisory Committee.  
*Vera Buck, Dave Croft, Richard Holden, Frances Hunt, Roger Jobin, Robert Vachon, Charles Vanasdalan and William Veroneau*
47. Mayor's proposed reappointments to the Airport Advisory Committee.  
*Richard Bartle, Ernest Loomis and James MacKay*

***\*\*End of Consent Agenda\*\****

**48. August 12, 2013 Public Hearings**

- A. Resolution accepting and appropriating \$258,024 in unmatched grant funds from the Office of Domestic Preparedness – State Homeland Security Program and Law Enforcement Terrorism Prevention Program, funds designated for the purpose of purchasing a specialized response/rescue vehicle; together with a report from the Police Chief. (7-13) ***(Public testimony received)***
- B. Resolution approving the acquisition of approximately 270 acres of open space land located northerly of Portsmouth Street and southerly of Curtisville Road, as recommended by the Conservation Commission and affirming the issuance of \$975,000 in bonds or notes under Resolution No. 7661 of the City Council, adopted on September 13, 2004; together with report from the City Planner. (7-15)
- C. Resolution authorizing and appropriating \$50,000 from the Forestry Trust Fund for the purchase of timber rights on 270 acres of land off of Curtisville Road and Portsmouth Street known as tax map parcels 113/3/3, 113/2/10 and 113/2/9, in conjunction with the purchase of the herein described property. (7-16)
- D. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking; granting the City Manager the ability to temporarily waive, modify or suspend parking regulations within the Downtown Complete Streets project area and adjacent environs; together with a report from the Assistant for Special Projects. (7-9)
- E. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with a report from the Director of Human Resources and Labor Relations. (7-10)

- F. Resolution appropriating the sum of \$76,898 for the purpose of installing frangible mounts and a beacon on the localizer for Runway 17/35 including \$69,208 in grant funds from the Federal Aviation Administration (FAA) and \$3,845 from the State of New Hampshire and \$3,845 from the City of Concord; together with a report from the Associate Engineer. (7-11)
- G. Resolution appropriating the sum of \$1,200,000 for the purpose of constructing Phase I of the Parallel Taxiway to Runway 12/30 including \$1,080,000 in grant funds from the Federal Aviation Administration (FAA) and \$60,000 from the State of New Hampshire and \$60,000 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with a report from the Associate Engineer. (7-12)
- H. Resolution accepting and appropriating the sum of \$27,717 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program designated for law enforcement related programs; together with a report from the Police Department. (7-14)
- I. Resolution authorizing the issuance of up to \$3,400,000 in notes to refinance outstanding loans of the city obtained through the state revolving loan fund to achieve interest cost and other savings; together with a report from the City Treasurer. (7-17)
- J. Resolution accepting and appropriating the sum of \$18,083 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with a report from the Assistant for Special Projects. (7-18)
- K. Resolution accepting and appropriating the sum of up to \$275,000 in unmatched funds from the State of New Hampshire's oil discharge, disposal and cleanup fund (The "Odd Fund") for environmental remediation of city owned property located at 5, 11, 27, 31, and 35 Canal Street, Penacook known as the former Amazon Realty and Allied Leather Tannery sites (CIP #508); together with a report from the Assistant for Special Projects. (7-19)
- L. Resolution appropriating \$42,500 for the purchase of snack bar equipment and increase other operating expenses to support the operation of the snack bar at the Everett Arena; together with a report from the Director of General Services. (7-20)
- M. Resolution rescinding bond authorization in the amount of \$117,672.42 for the Penacook Wastewater Treatment Plant; together with a report from the City Treasurer. (7-21)

**July 8, 2013 Public Hearing Action**

- 49. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with a report from the Assistant for Special Projects. (6-18) *(In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting)*

50. Resolution appropriating \$2,500,000 including authorizing the issuance of bonds and notes for the installation of underground utilities as part of and within the Sears Block Tax Increment Finance District in conjunction with the Downtown Complete Streets Project. (6-19) *(In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting) (Report from Engineering to be submitted providing Council with estimate of additional expense should Council wish to extend underground utilities to the south corner of Concord Street)*

**August 12, 2013 Public Hearing Action**

51. Resolution accepting and appropriating \$258,024 in unmatched grant funds from the Office of Domestic Preparedness – State Homeland Security Program and Law Enforcement Terrorism Prevention Program, funds designated for the purpose of purchasing a specialized response/rescue vehicle; together with a report from the Police Chief. (7-13) *(Public testimony received)*
52. Resolution approving the acquisition of approximately 270 acres of open space land located northerly of Portsmouth Street and southerly of Curtisville Road, as recommended by the Conservation Commission and affirming the issuance of \$975,000 in bonds or notes under Resolution No. 7661 of the City Council, adopted on September 13, 2004; together with report from the City Planner. (7-15)
53. Resolution authorizing and appropriating \$50,000 from the Forestry Trust Fund for the purchase of timber rights on 270 acres of land off of Curtisville Road and Portsmouth Street known as tax map parcels 113/3/3, 113/2/10 and 113/2/9, in conjunction with the purchase of the herein described property. (7-16)
54. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking; granting the City Manager the ability to temporarily waive, modify or suspend parking regulations within the Downtown Complete Streets project area and adjacent environs; together with a report from the Assistant for Special Projects. (7-9)
55. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with a report from the Director of Human Resources and Labor Relations. (7-10)
56. Resolution appropriating the sum of \$76,898 for the purpose of installing frangible mounts and a beacon on the localizer for Runway 17/35 including \$69,208 in grant funds from the Federal Aviation Administration (FAA) and \$3,845 from the State of New Hampshire and \$3,845 from the City of Concord; together with a report from the Associate Engineer. (7-11)
57. Resolution appropriating the sum of \$1,200,000 for the purpose of constructing Phase I of the Parallel Taxiway to Runway 12/30 including \$1,080,000 in grant funds from the Federal

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Aviation Administration (FAA) and \$60,000 from the State of New Hampshire and \$60,000 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with a report from the Associate Engineer. (7-12)

58. Resolution accepting and appropriating the sum of \$27,717 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program designated for law enforcement related programs; together with a report from the Police Department. (7-14)
59. Resolution authorizing the issuance of up to \$3,400,000 in notes to refinance outstanding loans of the city obtained through the state revolving loan fund to achieve interest cost and other savings; together with a report from the City Treasurer. (7-17)
60. Resolution accepting and appropriating the sum of \$18,083 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with a report from the Assistant for Special Projects. (7-18)
61. Resolution accepting and appropriating the sum of up to \$275,000 in unmatched funds from the State of New Hampshire's oil discharge, disposal and cleanup fund (The "Odd Fund") for environmental remediation of city owned property located at 5, 11, 27, 31, and 35 Canal Street, Penacook known as the former Amazon Realty and Allied Leather Tannery sites (CIP #508); together with a report from the Assistant for Special Projects. (7-19)
62. Resolution appropriating \$42,500 for the purchase of snack bar equipment and increase other operating expenses to support the operation of the snack bar at the Everett Arena; together with a report from the Director of General Services. (7-20)
63. Resolution rescinding bond authorization in the amount of \$117,672.42 for the Penacook Wastewater Treatment Plant; together with a report from the City Treasurer. (7-21)

### **Appointments by the Mayor**

### **Reports**

### **New Business**

### **Unfinished Business**

64. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (6-52) (7-39) *(Action on this item tabled following a July 9, 2012 public hearing)*

65. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-4) (*Action on this item tabled following a February 2013 public hearing*)

**Comments, Requests by Mayor, City Councilors**

**Comments, Requests by the City Manager**

**Consideration of Suspense Items**

**Adjournment**

**Information**

- 8 Inf 1    Petitions in opposition to City Council approving a buffer zone in the vicinity of the clinic on South Main Street in Concord. (5-8) (*Copies to be forwarded to the Police Department and the Legal Department*)
- 8 Inf 2    Communication from the Freedom from Religion Foundation regarding the possible combining of Midnight Merriment with the annual Christmas Tree Lighting Ceremony within the City of Concord.
- 8 Inf 3    Copy of communication sent to Merrimack Valley School Board Members from Louise Andrus, Salisbury New Hampshire.
- 8 Inf 4    District Two Executive Council reports from Colin Van Ostern.
- 8 Inf 5    Communication from Scott Smith, McKenna's Purchase, thanking the City of Concord for the letter sent to the US Department of Energy concerning the potential impact of the proposed Northern Pass project on the City of Concord.
- 8 Inf 6    Communications from the State of NH – Department of Environmental Services regarding recent appointments to the Contoocook and the Upper Merrimack River Local Advisory Committees.
- 8 Inf 7    Note from Melody, Crystal and Spencer Ballantyne thanking City Council for the flowers sent in former City Manager Duncan Ballantyne's memory.
- 8 Inf 8    Copy of Communication Senator Jeanne Shaheen and Congresswoman Ann McLane Kuster sent to Anthony Foxx, Secretary of Transportation, regarding the Sewalls Falls
- 8 Inf 9    Bridge project.
- 8 Inf 10   June 5, 2013 Concord Housing & Redevelopment Board of Commissioners Annual Meeting Minutes.

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8 Inf 11 June 27, 2013 Transportation Policy Advisory Committee Meeting Minutes.

8 Inf 12 July 15, 2013 Parking Committee Meeting Minutes.

8 Inf 13 July 16, 2013 Traffic Operations Committee Meeting Minutes.

8-5  
7-27

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

## RESOLUTION IN RECOGNITION OF THE SERVICES OF

Lieutenant Paul Leger

*The City of Concord resolves as follows:*

**WHEREAS**, Lieutenant Paul Leger has been a faithful and loyal employee of the City of Concord for over 19 years within its Police Department. In 1993 he was hired by the Concord Police Department; and

**WHEREAS**, Lieutenant Paul Leger contributed to the Department's operations by performing duties in the Community Resources Unit and served with distinction for 3 years; and

**WHEREAS**, Lieutenant Paul Leger obtained numerous specialties while serving for the police department including Bicycle Officer, Evidence Technician, Breath Operator, Tactical Team member, Assistant Tactical Team Commander and Tactical Team Commander; and

**WHEREAS**, Lieutenant Paul Leger was promoted to the rank of Sergeant on July 5, 1998; and

**WHEREAS**, Lieutenant Paul Leger was assigned as Supervisor of the Drug Enforcement Unit in September, 2000 and under his leadership the unit developed a working relationship with the various federal agencies in furtherance of a zero tolerance policy to drug dealing in our community; and

**WHEREAS**, Lieutenant Paul Leger was promoted to the rank of Lieutenant on August 19, 2001; and

**WHEREAS**, Lieutenant Paul Leger from December, 2005 until May, 2008 served as Commander of the newly formed Training and Services Division before returning to Patrol as Watch Commander.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Concord that we hereby record our sincere appreciation for the many years of service from Lieutenant Paul Leger to the City of Concord.

**BE IT FURTHER RESOLVED** that we hereby acknowledge that the service and presence of Lieutenant Paul Leger will truly be missed by the City Council, City Administration, Concord Police Department and the entire Concord Community, and we extend our best wishes to him and his family during his retirement.





*Non-public session in accordance with RSA 91-A: 3, II (d)  
to discuss property acquisition followed by a non-public meeting regarding collective  
bargaining in accordance with RSA 91-A:2, I (a), to be held at 6:15 pm*

City Council Meeting  
**Draft Minutes**  
**July 8, 2013**  
City Council Chambers  
7:00 p.m.

1. Mayor Bouley called the meeting to order at 7:00 p.m.
2. No clergy was present for invocation.
3. Pledge of Allegiance.
4. Roll Call. Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, Nyhan, Patten, St. Hilaire, Shurtleff and Werner were present. Councilors Bennett and McClure were excused.
5. A) Intown Concord Presentation.

**Action:** Liza Poinier, Operations Manager and Tonya Rochette, Board President addressed City Council thanking members for their continued financial support as well as to provide Council with an update on recent and upcoming activities in downtown Concord.

Councilor Bouchard inquired as to how Ms. Poinier and Ms. Rochette thought Intown Concord's end of year activities would be impacted by the upcoming construction in the downtown area. Ms. Poinier indicated it would be premature to comment on what the impact might be. Ms. Rochette indicated that the Main Street project will provide great opportunity to showcase Concord. Brief discussion took place about the importance of coordinating events during construction time.

Councilor Kretovic suggested that consideration be given to combining Midnight Merriment and the Christmas Tree Lighting festivities this year in light of the construction. Ms. Poinier and Ms. Rochette indicated their openness to discussing that topic.

B) LPGA Symetra Tour Presentation.

**Action:** Joe Kasper, Northeast Delta Dental, Joanne Telenger, Concord Hospital and Stephen Bottomley, the Botts Group addressed Council inviting all to attend the upcoming LPGA Symetra Tour to be held at the Beaver Meadow Golf Course July 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup>.

They thanked members of City Council for their support in bringing this event back to Concord again this year.

6. Approval of the June 6, 2013, June 10, 2013 and the June 20, 2013 City Council meeting minutes and the June 17, 2013 Finance Committee Meeting Minutes.

**Action:** Councilor Grady Sexton moved approval of the June 6, 2012 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor St. Hilaire moved approval of the June 10, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor Nyhan moved approval of the June 20, 2013 meeting minutes. The motion was duly seconded. Councilor Kretovic moved to amend the minutes indicating Tonya Rochette's name should be Tonya and not Tanya. The minutes, as amended, were approved with no dissenting votes. Councilor Nyhan moved approval of the June 17, 2013 Finance Committee meeting minutes. The motion was duly seconded and passed with no dissenting votes.

7. Agenda overview by the Mayor.

***- Consent Agenda Items -***

**Action:** Councilor Grady Sexton moved approval of the consent agenda. The motion was duly seconded and passed with no dissenting votes.

**Referral to the Traffic Operations Committee**

8. Communication from Judi King requesting a speed zone sign on Church Street between North State Street and Bouton Street.

**Items Tabled for an August 12, 2013 Public Hearing**

9. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking; granting the City Manager the ability to temporarily waive, modify or suspend parking regulations within the Downtown Complete Streets project area and adjacent environs; together with a report from the Assistant for Special Projects.
10. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with a report from the Director of Human Resources and Labor Relations.
11. Resolution appropriating the sum of \$76,898 for the purpose of installing frangible mounts and a beacon on the localizer for Runway 17/35 including \$69,208 in grant funds from the Federal Aviation Administration (FAA) and \$3,845 from the State of New Hampshire and \$3,845 from the City of Concord; together with a report from the Associate Engineer.
12. Resolution appropriating the sum of \$1,200,000 for the purpose of constructing Phase I of the Parallel Taxiway to Runway 12/30 including \$1,080,000 in grant funds from the Federal Aviation Administration (FAA) and \$60,000 from the State of New Hampshire and \$60,000 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with a report from the Associate Engineer.

13. Resolution accepting and appropriating \$258,024 in unmatched grant funds from the Office of Domestic Preparedness – State Homeland Security Program and Law Enforcement Terrorism Prevention Program, funds designated for the purpose of purchasing a specialized response/rescue vehicle; together with a report from the Police Chief.
14. Resolution accepting and appropriating the sum of \$27,717 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program designated for law enforcement related programs; together with a report from the Police Department.
15. Resolution approving the acquisition of approximately 270 acres of open space land located northerly of Portsmouth Street and southerly of Curtisville Road, as recommended by the Conservation Commission and affirming the issuance of \$975,000 in bonds or notes under Resolution No. 7661 of the City Council, adopted on September 13, 2004; together with report from the City Planner.
16. Resolution authorizing and appropriating \$50,000 from the Forestry Trust Fund for the purchase of timber rights on 270 acres of land off of Curtisville Road and Portsmouth Street known as tax map parcels 113/3/3, 113/2/10 and 113/2/9, in conjunction with the purchase of the herein described property.
17. Resolution authorizing the issuance of up to \$3,400,000 in notes to refinance outstanding loans of the city obtained through the state revolving loan fund to achieve interest cost and other savings; together with a report from the City Treasurer.
18. Resolution accepting and appropriating the sum of \$18,083 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with a report from the Assistant for Special Projects.
19. Resolution accepting and appropriating the sum of up to \$275,000 in unmatched funds from the State of New Hampshire's oil discharge, disposal and cleanup fund (The "Odd Fund") for environmental remediation of city owned property located at 5, 11, 27, 31, and 35 Canal Street, Penacook known as the former Amazon Realty and Allied Leather Tannery sites (CIP #508); together with a report from the Assistant for Special Projects.
20. Resolution appropriating \$42,500 for the purchase of snack bar equipment and increase other operating expenses to support the operation of the snack bar at the Everett Arena; together with a report from the Director of General Services.
21. Resolution rescinding bond authorization in the amount of \$117,672.42 for the Penacook Wastewater Treatment Plant; together with a report from the City Treasurer.

**From the City Manager**

22. Positive Citizen Comments.

**Consent Reports**

23. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$500 as provided under the preauthorization granted by City Council.
24. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,417.20 as provided under the preauthorization granted by City Council.
25. DRA Equalized Valuation Tax Rate Comparison Information from the Director of Real Estate Assessments.
26. Report from the Library Director for the acceptance of a gift from Eugene and Irene Pantzer Trust to the Concord Public Library.

**Consent Resolutions**

27. Resolution in recognition of the services of Lieutenant Paul Leger.  
*(For presentation in August)*
28. Resolution authorizing the City Manager to submit an application to the United States Department of Justice – Edward Byrne Memorial Justice Assistance Grant Program for funds designated for law enforcement related programs; together with a report from the Police Department.
29. Resolution authorizing the City Manager to enter into a grant agreement for up to \$76,898 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics and a construction agreement with the Federal Aviation Administration (FAA) for the purpose of the installation of frangible mounts and a light beacon on the localizer for runway 17/35 at the Concord Municipal Airport; together with a report from the Associate Engineer.
30. Resolution authorizing the City Manager to enter into a grant agreement for up to \$1,200,000 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics for the purpose of constructing Phase I of the Parallel Taxiway to Runway 12/30 at the Concord Municipal Airport and to revise the total grant request for Phase I and II to a total of \$3,031,847; together with a report from the Associate Engineer.

**Consent Communications**

31. Street closure request from Sparta Energy for the 33<sup>rd</sup> Annual ENGVT Concord Criterium Bicycle Race to be held on Saturday, August 3, 2013 from 7:00 a.m. to 5:30 p.m.
32. Street closure request from Sulloway & Hollis, on behalf of the New Hampshire Cycling Club, to close a portion of Liberty Street between Valley and Forest Street on Saturday, September 21, 2013 from 8:00 a.m. and 4:30 p.m.

33. Street closure request from CenterPoint Church for a block party around their facility at 20 North State Street on Saturday, September 14, 2013 from 1:00 p.m. to 5:00 p.m.

**Appointments**

34. Mayor Bouley's proposed appointment to the Recreation and Parks Advisory Committee  
*Marilyn Anne Fraser and Althea Barton*
35. City Manager's proposed appointment to the Zoning Board of Adjustment.  
*Andrew S. Winters*

***\*\*End of Consent Agenda\*\****

**36. July 8, 2013 Public Hearings**

- A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Heather Lane; together with a report from the Traffic Engineer in response to a communication from Councilor Nyhan asking the Traffic Operations Committee to consider south end traffic concerns. (10-7) (6-17)

**Action:** Acting City Manager Carlos Baia provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the public hearing.

- B. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with a report from the Assistant for Special Projects. (6-18) *(In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting)*
- C. Resolution appropriating \$2,500,000 including authorizing the issuance of bonds and notes for the installation of underground utilities as part of and within the Sears Block Tax Increment Finance District in conjunction with the Downtown Complete Streets Project. (6-19) *(In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting)*

**Action:** Acting City Manager Carlos Baia provided a brief overview of items B & C.

Mayor Bouley opened the public hearings for both of these related items.

**Public Testimony**

David Fries, Chairman of the Board, and Nicolette Clarke, Executive Director, Capitol Center for the Arts asked City Council to consider extending underground utilities one additional block to the south corner of Concord Street to include the utility pole that sits on that corner. Mr. Fries indicated the the expansion and improvement of the south end of Main Street make their suggested improvement critical for that area, thereby creating a welcoming and impressive gateway to that part of Main Street Ms. Clarke provided pictures of the current utility poles in the area of the Capitol Center for the Arts encouraging Council to extend utilities as requested.

Roger Brooks, Concord resident, urged City Council to extend underground utilities to the south corner of Concord Street to include the utility pole on that corner as requested by the Capitol Center for the Arts.

Roy Schweiker spoke in opposition to this appropriation, specifically using municipal funds for this project. He indicated in his opinion downtown merchants and property owners that will benefit by these utilities going underground should pay for half of the cost of this project themselves. Mr. Schweiker further noted that this appropriation will cost each resident within the city approximately \$60/\$90 per person, further stating that if polled he was confident that taxpayers would not approve.

Allan Herschlag spoke in strong opposition to the two resolutions before Council. He indicated that the Downtown Complete Streets Advisory Committee didn't support this project specifically due to the expense of the project. In summary, he spoke in strong support of leaving the TIF district as is indicating that expanding the TIF district would mean the loan would not be paid off until 2035 or after. He further pointed out that this district was created in 2001; noting that TIF districts in Concord have historically been created for payback within a twenty year period.

There being no additional public testimony, the Mayor declared the hearings closed, indicating that, in compliance with RSA 162-K, action on these items must be delayed at least 15 days after the public hearings are held. Action on these two items will be taken at the August 12, 2013 Council Meeting.

- D. Resolution appropriating the sum of \$190,400 for Communication Services for the Downtown Complete Streets Improvement Project from the City of Concord Economic Development Reserve Fund and authorizing the City Manager to enter into an agreement with Louis Karno & Company, LLC for communication services; together with report from the Deputy City Manager – Development. (6-20)

**Action:** Acting City Manager Carlos Baia provided a brief overview.

Mayor Bouley opened the public hearing.

Roy Schweiker testified that if Council supports this appropriation and thinks it's a good idea why not ask downtown property owners that would benefit from this service to pay at least half of the cost.

Mike Cowen, Pitchfork Records, spoke in support of this appropriation and the hiring of a marketing firm to help businesses not only survive but thrive during the upcoming construction project for Main Street.

Councilor Werner thanked Mr. Cowen for his testimony and asked him what, in his opinion, would the elements of a good PR plan for the Main Street project include. Mr. Cowen indicated that good communication will be critical, the most important item within this project. He hoped for advance notification about things going on downtown whenever possible, for example – if a water main breaks overnight – he'd love to know about it prior to heading into work on any given day. Mr. Cowen also suggested a marketing program should be considered, perhaps including web cams so that residents could watch progress via the internet and/or free parking for patrons during the construction project. Lastly, he indicated signage for parking as a critical item.

Allan Herschlag noted his agreement with public testimony provided by Mike Cowen. Mr. Herschlag further suggested that the city should also consider a promotional program for downtown Penacook as well. Mayor Bouley indicated the proposal before Council this evening was for downtown Concord. Mr. Herschlag also suggested that the city and the PR firm consider weekly promotions to get residents downtown during the construction project.

Councilor Keach asked Mr. Herschlag if he supported underground utilities in Penacook and not in Concord. Mr. Herschlag indicated that he supports both concepts but not the funding plan as proposed for Concord.

Councilor Shurtleff noted his agreement with Mr. Herschlag's comments about getting information to residents about the upcoming construction in Penacook indicating that a public meeting is scheduled for July 17, 2013 at the Merrimack Valley High School. Councilor Shurtleff encouraged residents to attend.

Byron Champlin, Creative Concord, spoke in support of the appropriation and the importance of this aspect of the Complete Streets Project.

There being no further public testimony, the Mayor declared the hearing closed.

#### **July 8, 2013 Public Hearing Action**

37. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Heather Lane; together with a report from the Traffic Engineer in response to a communication from Councilor Nyhan asking the Traffic Operations Committee to consider south end traffic concerns. (10-7) (6-17)

**Action:** Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes.

38. Resolution appropriating the sum of \$190,400 for Communication Services for the Downtown Complete Streets Improvement Project from the City of Concord Economic Development Reserve Fund and authorizing the City Manager to enter into an agreement with Louis Karno & Company, LLC for communication services; together with report from the Deputy City Manager – Development. (6-20)

**Action:** Councilor St. Hilaire moved approval.

Councilor Nyhan inquired as to the number of staff members employed at Louis Karno & Company, LLC noting that he may have some concerns if it's a one or two person operation in which they may not be able to keep up with the demands of this project. Brett Sinclair, Louis Karno & Company addressed Council indicating that the company has five full time employees and will be assigning this project to one of their employees to work full time on with other staff members available to assist as well. Mr. Sinclair further stated that as a firm they have a great deal at stake to make this work and work well.

There being no additional discussion, the motion was duly seconded and passed unanimously on roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach Kretovic, Nyhan, Patten, St. Hilaire, Shurtleff and Werner voting in favor of the resolution.

### **Reports**

### **New Business**

### **Unfinished Business**

39. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (6-52) (*Action on this item tabled following a July 9, 2012 public hearing*)
40. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (*Action on this item tabled following a February 2013 public hearing*)

### **Comments, Requests by Mayor, City Councilors**

In follow-up to Intown Concord's presentation to Council, Councilor Bouchard spoke in favor of discussing the potential combining of the annual downtown tree lighting ceremony and midnight

merriment to just one weekend this year. She further stated that with the construction going on it would seem that having a conversation about combining both events this year would be worth pursuing with a goal of a better, more creative event for the community in light of the construction. Mayor Bouley agreed with Councilor Bouchard's comments that the conversation was worth pursuing. He further noted that any member of Council wanting to be appointed to a committee to consider this idea should let him know so that he could make appointments to a small committee to pursue potential options.

Councilor Shurtleff mentioned that the Penacook Village Association was holding a neighborhood meeting on July 17<sup>th</sup> at 6:00 p.m. at the Merrimack Valley High School. He stated that the City Engineer would be present to address any questions or concerns about the upcoming construction project in Penacook.

Councilor Werner referred to the official transmittal of the Energy Chapter for the Master Plan included within the information section of Council packets this evening. He thanked the Planning Department for their hard work in assisting the Energy Committee on putting this together indicating that the committee will come back to Council with some additional information on pursuing some of the specific recommendations within the plan.

Councilor Nyhan indicated that Concord American Legion, Post #21 is hosting the State Legion Tournament this year, beginning on July 30<sup>th</sup> at Memorial Field.

Mayor Bouley asked Acting City Manager Carlos Baia for a status update on the Sewall's Falls Bridge.

In summary, Mr. Baia indicated that there was more damage than originally thought. He indicated staff was currently trying to isolate those areas that need more intense repair. Mr. Baia indicated that the goal is to make all the repairs possible by the end of the week as long as the weather cooperates. He indicated the bridge is closed throughout the repair process. He noted that he spoke to the City Engineer and in all likelihood the bridge will be downgraded to a three ton capacity bridge. Mr. Baia further stated that if the bridge was downgraded to three ton capacity it was important to note that ambulances would no longer be able to use the bridge.

Councilor Coen asked Mr. Baia if it's the structure itself that spans the Merrimack River that is in dire shape or the ramp on the west side of the river heading east. Mr. Baia indicated that the span is old with some structural issues that were identified in a due diligence engineering report a few months ago. Currently attention is focused on the span headed eastbound, that span is where portions of the concrete have been lost; some portions continue to decay as well, putting a lot more stress on the steel compounding the effect.

Councilor Bouchard asked for confirmation that it was a bridge that lacks redundancy so that if one portion of the bridge goes, it all goes. Mr. Baia invited City Engineer, Ed Roberge, to address Council and answer Councilor Bouchard's question. Mr. Roberge indicated that typically a truss structure like the storrs truss, which is the bridge crossing, is a non redundant structure meaning that if one element goes the entire bridge could collapse. The section that the manager mentioned, that approach span, the approach trestle on the west side of the river is the area with a lot of problems right now. This section is more of a traditional beam girder

supported bridge with a concrete deck that doesn't have the same failure issues that a truss bridge would noting they were dealing with some deck structural issues right now.

Councilor Blanchard asked if the city had lost its opportunity to use federal and state dollars to replace the bridge. Mr. Roberge explained that the city was still involved in the review process indicating that once all environmental elements were cleared, including review of the historic elements of the bridge, final design elements would begin. He further stated that the project is still an eligible project, fully funded at this point.

Mayor Bouley asked for clarification that the city had indeed lost this construction season because of lack of decision from the Federal Highway Administration. Mr. Roberge indicated that the city was not planning on construction in 2013 but rather planning on the process starting in 2014. Mayor Bouley then asked what the drop dead date was for the city to have a decision on this project so that the city would not miss the 2014 summer construction season. Mr. Roberge responded that he thought the city was beyond the 2014 construction season when looking at the project realistically, explaining that when you get into the final design period it's a 12-15 month design process. Mayor Bouley then asked what the first opportunity would be for the city to begin construction on this project. Mr. Roberge indicated that staff hopes to have the design completed sometime late 2014 so that the city could bid, order steel, prepare the bridge for closure and build in 2015.

Mayor Bouley asked for clarification that, because of the federal highway process, staff was advising Council that bridge repairs couldn't begin until the summer 2015. Mr. Roberge responded by saying that he didn't anticipate any construction on this project until early 2015.

Based on the timeline as outlined by Mr. Roberge, Councilor Keach asked if state funding would be jeopardized at all. Mr. Roberge indicated that funding is committed. Further stating that clear funding agreements exist between the city, state and federal agencies involved in this project.

Mayor Bouley inquired as to whether or not there was anything the city could do to make this process move along quicker, indicating that, in his opinion, the condition of the bridge is no longer a nuisance but rather a community public safety issue. Mr. Roberge indicated he wasn't sure of anything additional the staff could do to accelerate this process.

Councilor Kretovic expressed her concern with high water referencing past discussions about the bridge inspections; she asked if erosion on the old granite center posts of the bridge were still being checked and were still a concern. Mr. Roberge indicated scour potential was still an issue with this bridge. He stated that five to six years ago the Department of Transportation (DOT) went in and did some scour prevention enhancements to help that condition. He further stated that the city and members of DOT continue to monitor the bridge on a monthly basis.

Councilor Shurtleff spoke in support of the bridge being repaired stating that perhaps members of the congressional delegation should be involved and be made aware of the roadblocks in moving this public safety issue forward.

Councilor Coen asked if it would be faster to build a new bridge next to the existing bridge. Mr. Roberge indicated that, as part of the process and many discussions about alternatives, the push

was to maintain the existing bridge in its current use as a highway bridge. He reminded Council that he had, based on engineering information, recommended against preserving the current bridge instead replacing the bridge in its current location. One of the alternatives that left the existing bridge where it was, building a new road and new bridge to the north of it, creates an incredible amount of impact to conservation property, private property and wetlands property in the area clarifying that the city along with federal review agencies didn't think that alternative was a good one and was discounted because of all the negative impact to the area.

Councilor Coen asked if preserving the bridge was, at this point required. Is the city committed to preserving the bridge. Mr. Roberge indicated that Council and the community has listened to and heard the alternatives with a final decision made to move forward and replace the bridge. Staff continues to think that replacing the bridge is the most viable, sustainable, economically responsible and safe option to pursue. Mr. Roberge further stated that staff is pushing the decision makers to make a decision; further stating he hopes to see a decision in the coming months.

Councilor DelloIacono asked if staff has been keeping others involved with the current conditions of the bridge. Mr. Roberge indicated he was indeed.

Councilor Bouchard inquired as to what happens if the project costs go over what is currently set aside within state funds. Mr. Roberge indicated that if the project costs go over, it will be a struggle stating that if the project comes in way over budget the choice of the alternative would have to be reviewed. Entities involved would have to consider what's affordable potentially looking for the dollars to make up the difference.

Councilor Bouchard indicated that she felt the City should be very concerned that if the costs go significantly beyond what is committed by the state that the state will not have that amount of money to appropriate to the city. She further stated this specific state program is over extended. She expressed her concern with this project being jeopardized.

Councilor Keach expressed his frustration with this very real public safety issue stating that as a city we should push to get the project done as soon as we can.

Councilor Nyhan expressed his thoughts that there must be something else we could do as a city to get this project moved up in the process. Mayor Bouley provided an update to all, stating that he had received a phone call from Senator Sheehan's staff who is working to assist the city with this project. They are eager to assist and are working to do so. There being no further comments on this topic, the discussion about the Sewall's Falls Bridge ended.

Mayor Bouley addressed Council talking in fond memory of Duncan Ballantyne who passed away on July 6<sup>th</sup>. Mayor Bouley spoke about the positive influence Mr. Ballantyne had on the Concord community as well as anyone that knew him. Mayor Bouley asked that members of Council keep Duncan's family in their thoughts and prayers.

**Comments, Requests by the City Manager**

City Council Minutes

July 8, 2013

12

**Adjournment**

There being no further business, Councilor Keach moved to adjourn the meeting at 8:42 p.m. The motion was duly seconded and passed with no dissenting votes.

*A true copy: I attest:*

*Janice Bonenfant  
City Clerk*

**Bonenfant, Janice**

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**From:** gr8ntwds@gmail.com  
**Sent:** Wednesday, July 10, 2013 1:56 PM  
**To:** \* City Clerk  
**Subject:** Help Please

TJA

Talked to Mayor and and Dave Gill and he said to get this on next agenda.

To get a dedication of BB & Tennis Courts on Heights at Keach Park as my father Paul O. Hatch got them built many years ago as a 2 term councilman. I had a small sign made and want to put it up in middle of courts up high. It says HATCH COURTS and it's Blue & White, and made by NEOPCO Sign Co. Bob Hatch 568-2143





# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Carlos P. Baía, Deputy City Manager – Development

**DATE:** July 17, 2013

**SUBJECT:** Regional Drive/Chenell Drive Intersection

### Recommendation

Accept this report and refer examination of the performance of the Regional Drive/Chenell Drive intersection to the Traffic Operations Committee.

### Background

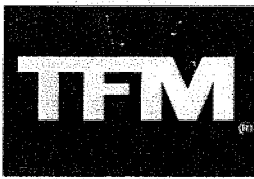
The Mayor's Business Visitation Program is an opportunity to learn about local businesses and also a chance for business owners to provide the Mayor and City Administration with input on the performance of the City.

During a recent visit to a Regional Drive business, the owner cited what he considers to be the dangers of the Regional Drive/Chenell Drive intersection particularly with the truck traffic in that corridor.

### Discussion

Although this intersection has been examined in the past, it continues to be an object of concern brought to the attention of Council and Administration by more than one business owner in the area. As a result, I would ask that this matter be referred to the City's Traffic Operations Committee for a report back to City Council.





Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

8-11

1/2A

July 29, 2013

Mayor Jim Bouley & City Council  
Concord City Hall  
41 Green Street  
Concord, NH 03301

**RE: Release of "Future Road" Right-of-Way  
Tax Map 122, Block 2, Lot 28**

Mr. Mayor & City Council,

On behalf of our Client, Public Service Company of New Hampshire (PSNH), please find attached materials requesting release of a "future road" right-of-way (ROW) located on land owned by PSNH in Concord on tax map 122, block 2, lot 28.

This request originated from a site plan application recently filed for the subject lot for the proposed Farmwood Road Substation. In our meetings with City Staff the request to release the "future road" ROW (book 1837, page 2204) was initially deemed appropriate from a Planning perspective given the build-out of adjacent roads providing appropriate access to the area, and the substantial wetland impact that would result from construction of a road through this ROW. Although not required for the processing of the proposed site development it was agreed prudent to file the release request concurrently with the site plan application.

Relative to the project that is the Farmwood Road Substation, this project is being undertaken in that ISO-NE New Hampshire and Vermont 10 year needs assessment identified the need to upgrade the New Hampshire transmission system for it to reliably serve the forecasted electric demand. To accomplish this in conjunction with other system upgrades, construction of a new four terminal 115 kV switching station (Farmwood Road Substation) has been called for on property owned by PSNH and adjacent to the existing Oak Hill Substation. The new switching station will be a transmission only substation; separate control house, yard and fence from existing Oak Hill Substation. Existing transmission lines, V182, F139 and P145 will be re-terminated into the new substation.

Should there be any questions or concerns in regards to this request or the project in general please do not hesitate to contact the undersigned at 472-4488 or [ngolon@tfmoran.com](mailto:ngolon@tfmoran.com).

Sincerely,  
TFMoran, Inc.

Nicholas Golon, P.E.  
Senior Project Manager

48 Constitution Drive  
Bedford, NH 03110  
Phone (603) 472-4488  
Fax (603) 472-9747  
[www.tfmoran.com](http://www.tfmoran.com)



Return to:  
PSNH  
P.O. Box 330  
Manchester, NH 03105  
Attn: Real Estate

### **RELEASE DEED**

KNOW ALL MEN BY THESE PRESENTS, that the **City of Concord**, a New Hampshire municipal corporation, with offices at City Hall, 41 Green Street, Concord, New Hampshire ("Grantor"), for consideration paid, grants and RELEASES to **Public Service Company of New Hampshire**, a New Hampshire corporation, with its principal offices at Energy Park, 780 North Commercial Street, Manchester, New Hampshire (mailing address: P.O. Box 330, Manchester, New Hampshire 03105) ("Grantee"), all rights, title and interests of the Grantor in and to certain land of the Grantee situated in the City of Concord, in the County of Merrimack and State of New Hampshire, being more specifically hereinafter described, which were acquired by the Grantor under the Easement Deed of Edley Associates to the Grantor dated May 11, 1990, recorded at the Merrimack County Registry of Deeds in Book 1837, Page 2204 (the "Easement Deed"), to include but not be limited to all right, title and interests of the Grantor in and to a fifty (50) foot wide right-of-way for a so-called "Future Road" as described in the Easement Deed and shown on Merrimack County Registry of Deeds Plan # 11443, and as the location or proposed location of which may have been subsequently changed, modified or altered, in whole or in part, by agreement of the Grantor or otherwise, it being the intent hereof to permanently release and relinquish to the Grantee all of Grantors\'s rights, title and interests in and to said "Future Road" right-of-way regardless of its current or proposed location on and within the Grantee\'s land.

Meaning and intending hereby to release all of Grantor\'s rights, title and interests under the Easement Deed in the Grantee\'s land situated easterly of the easterly terminus of Farmwood Road, being designated as City of Concord Tax Map 122, Block 2, Lot 28, consisting of 64.44 acres, more or less, and being the same premises conveyed to the Grantee by deed of Edley Associates, dated May 11, 1990, recorded at the Merrimack County Registry of Deeds in Book 1837, Page 2207.

The execution and delivery of this Release Deed by the undersigned City Manager was authorized by duly passed Resolution # \_\_\_\_\_ of the City of Concord City Council on \_\_\_\_\_, 2013.

The City of Concord is exempt from the payment of real estate transfer tax pursuant to NH RSA 78-B:2, I.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF CONCORD

By: \_\_\_\_\_  
Thomas J. Aspell, Jr.  
City Manager  
Duly Authorized

State of New Hampshire  
County of Merrimack

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by Thomas J. Aspell, Jr., City Manager of the City of Concord, a New Hampshire municipal corporation, on behalf of the municipal corporation.

Commission expires:

\_\_\_\_\_  
Notary Public/Justice of the Peace  
Printed Name:

127958

RECEIVED

1990 MAY 11 PM 3:50

MERRIMACK COUNTY  
REGISTRY OF DEEDS

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, that EDLEY ASSOCIATES, a New Hampshire general partnership, duly-organized and existing under the laws of the State of New Hampshire, and having a usual place of business at Gatehouse of Hollis, 28 Broad Street, Town of Hollis, County of Hillsborough, and State of New Hampshire (hereinafter, the "Grantor"), for consideration paid, hereby grants to the CITY OF CONCORD, a New Hampshire municipality in the County of Merrimack, and State of New Hampshire, its successors and assigns (hereinafter, the "Grantee"), with QUITCLAIM COVENANTS, the following:

The perpetual right and easement for a Right-of-Way called "Future Road", as shown on Lot 11 of a plan entitled "Final Plat Resubdivision Plan Prepared for Edley Associates, Concord, New Hampshire", approved by the City of Concord Planning Board on July 19, 1989, and recorded with Merrimack County Registry of Deeds as Plan No. 11443 on January 5, 1990, for the purpose of construction and maintenance of a City Street, and any appurtenances thereto.

Said "Future Road" shall run generally easterly from Farmwood Road, so-called, as shown on said Plan, and shall be fifty (50) feet in width. The exact location of said "Future Road" may be modified by the Grantee on said Lot 11, provided it does not interfere with either the substation or transmission lines now or hereafter constructed on said Lot 11 by Public Service Company of New Hampshire.

This conveyance is subject to all encumbrances, restrictions and easements of record.

Consideration paid is nominal.

THIS IS NOT HOMESTEAD PROPERTY

Executed this 11th day of May, 1990

EDLEY ASSOCIATES

*Edward Lehoullier*

EDWARD LEHOULLIER

GENERAL PARTNER

Duly Authorized

*Yve Hines*

YVE HINES

GENERAL PARTNER

Duly Authorized

BK1837 Pg2204

BK1837 PG2205

STATE OF NEW HAMPSHIRE  
COUNTY OF *Merrimack*, ss.

The foregoing instrument was acknowledged before me this *11th* day of *May*, 1990 by EDWARD LEHOULLIER, GENERAL PARTNER YVE HINES GENERAL PARTNER of EDLEY ASSOCIATES on behalf of said EDLEY ASSOCIATES.

*Edward F. M...*  
Notary Public/Justice of the Peace  
My commission expires: *4/2/94*

A circular notary seal for Edward F. M... is located to the right of the signature. The seal contains the text "NOTARY PUBLIC" and "STATE OF NEW HAMPSHIRE" around the perimeter, with the name "EDWARD F. M..." in the center.

8-12 *gm*  
7/8/13

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF FORTY EIGHT THOUSAND THREE HUNDRED FIFTEEN DOLLARS (\$48,315) IN UNMATCHED GRANT FUNDS FROM THE NEW HAMPSHIRE DEPARTMENT OF SAFETY HOMELAND SECURITY GRANT PROGRAM.

*The City of Concord resolves as follows:*

- WHEREAS,** the Concord Fire Department has received notification from the New Hampshire Department of Safety that its application for grant funding under the Homeland Security Grant Program has been approved; and
- WHEREAS,** the Concord Fire Department intends to purchase equipment for conducting swiftwater rescue operations with the proceeds of these grant funds; and
- WHEREAS,** this appropriation is for a purpose not included in the adopted budget, therefore, Section 37 of the City Charter requires two-thirds vote of the City Council.

***NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:***

1. The sum of .....\$48,315  
be and is hereby appropriated as follows:

Miscellaneous Special Revenue Fund

Fire Department

Equipment.....\$48,315

2. Revenue for this project is available as follows:

Miscellaneous Special Revenue Fund

New Hampshire Department of Homeland Security .....\$48,315

3. Sums as appropriated shall be expended under the direction of the City Manager.
4. This resolution shall take effect upon its passage.





# CITY OF CONCORD

TAA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Daniel L. Andrus, Fire Chief

**DATE:** August 2, 2013

**SUBJECT:** Council Report to Accompany the Resolution Appropriating Funds from Grant Proceeds to Purchase Equipment for Swiftwater Rescue Operations

### Recommendation

The Fire Department requests that the City Council accept this report and approve the accompanying resolution.

### Background

The Fire Department submitted a report and a resolution to the City Council for its February 11, 2013 meeting authorizing the City Manager to apply for homeland security grant funds for swiftwater rescue equipment. That funding application was reviewed by the grants committee on May 15, 2013 and received a favorable recommendation. The City has been notified that the grant funding has been approved in the full amount requested. The City has also been advised that watercraft are ineligible for this funding opportunity, but the other equipment on the attached list is eligible for grant reimbursement. The accompanying resolution gives the City the ability to appropriate these funds.

### Discussion

The Fire Department will continue to report significant developments in its technical rescue capabilities.

Name of Equipment	Quantity	Price
Duffle Bags	25	\$1,498.75
Water Rescue Boots	20	\$3,099.80
Dry Suit	20	\$18,000.00
Dry Suit Liner	20	\$3,000.00
Water Rescue Gloves	20	\$999.00
Water Rescue Helmets	20	\$999.00
LED Helmet Headlamp	20	\$599.00
Personal Flotation Device	20	\$4,599.00
Personal Throw Bag	20	\$1,499.00
Emergency PFD Strobe	20	\$759.00
Water Sample Kit	5	\$189.75
Waterproof Radio Bags	20	\$1,200.00
Dry Suit Repair Kit	20	\$3,000.00
Water Rescue Knife for PFD	20	\$899.00
Throw Bag, 75 feet	10	\$599.50
Carabiners	60	\$1,497.00
Whistle	20	\$139.00
Shuttle Pulley	2	\$139.90
Fins	20	\$1,199.00
Inflatable Boat*	1	\$4,400.00
Total		\$48,315.70

\*The City has been advised that watercraft are ineligible, but the dollar amount was approved.

# CITY OF CONCORD

---

*In the year of our Lord two thousand and thirteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, by adding the following position:

<b>Position</b>	<b>FLSA</b>	<b>Grade</b>
Program Coordinator	Non-Exempt	16

**SECTION II:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, by amending the grade of the following position:

<b>Position</b>	<b>From Grade</b>	<b>To Grade</b>
Recreation Supervisor	19	20

**SECTION III:** This ordinance shall take effect upon its passage.





# CITY OF CONCORD

12A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Jennifer Johnston, Director of Human Resources and Labor Relations  
Robin Wirbal, Human Resources Benefits Administrator

**DATE:** July 15, 2013

**SUBJECT:** Amend Schedule D to Add the Position of Program Coordinator and to  
Modify the Position of Recreation Supervisor as Specified in the Attached  
Ordinance

### Recommendation

It is requested and recommended that the City Council accept this report and set a public hearing date in September for the proposed ordinance to amend Schedule D.

### Background

The City Manager is requesting that the attached position of Program Coordinator be added to Schedule D of Article 35-2 of the City Code of Ordinances to address the needs of Parks and Recreation Department as described to the City Council during the FY 2014 budget deliberations.

Further, the City Manager is requesting that the attached position of Recreation Supervisor be modified in Schedule D of Article 35-2 of the City Code of Ordinances to allow for the elevation in labor grade from 19 to 20, as described to the City Council during the FY 2014 budget deliberations.

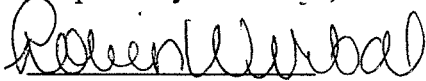
### Discussion

The added position of Program Coordinator has been classified as per the attached ordinance and will be added to schedule D in order to place it within the City's position classification system. This new full time Program Coordinator was created by eliminating one part time year round position, a summer Camp Director and using money that has previously funded the part time year round program coordinator. This position will be instrumental in the continued success of the Parks and Recreation Department as they increase the hours of operation and programming of the former Dame School this fall. The modified position of Recreation Supervisor has been classified as per the attached ordinance and will be added to schedule D in order to place it appropriately within the City's position classification system. Changes in this position are due to

the increased supervision of staff related to the operation of our new Community Center (formerly Dame School). This 40,000 square foot facility will operate six days a week starting this fall. There will be new programming and rental opportunities during open hours.

In order to accomplish the aforementioned, the City Council would have to set a public hearing for September and then approve the positions as per the attached ordinance.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Robin Wirbal".

Robin Wirbal  
Acting Director of Human Resources

cc: Carlos Baia, Deputy City Manager

# CITY OF CONCORD

---

*In the year of our Lord two thousand and thirteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009.

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, by amending Section 27-1-5, Amendments to the International Property Maintenance Code/2009, as follows:

## **Section 101 – General**

*Add new section 101.3.1 Licensed Trades as follows:*

101.3.1 Licensed Trades: To further ensure the public health, safety and welfare, any new installations or major repairs in residential rental property to plumbing, mechanical or electrical work must be performed by State of NH licensed tradesperson who shall obtain the necessary permits for such work. The Code Official may require licensed tradesperson to correct non-compliances to plumbing, mechanical or electrical work performed by the property owner or his or her agent.

## **Section 102- Applicability**

*102.3 Application of other codes:* Delete this section in its entirety and replace with the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most recently adopted versions of the following codes: International Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, NFPA 70, International Existing Building Code, NFPA 101 Life Safety Code, International Building Code, International Fuel Gas Code, International Mechanical and NFPA 70.

Nothing in this code shall be construed to cancel, modify or set aside any provision of the Municipal Code of Ordinances, Chapter 28.

## **Section 104- Duties and Powers of the Code Official**

*Add new section "104.3.1 Access by owner/operator/agent" as follows:*

104.3.1 Access by owner/operator/agent: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

## **Section 202 – General Definitions**

*Under Section 202, General Definitions, add the following definitions:*

Cooking Appliance: A stove containing an oven and cooking surface, or a stove top cooking surface and wall oven.

Weed(s): All grasses, annual plants and vegetation other than trees or shrubs or cultivated flowers and gardens.

*Under Section 202, General Definitions, amend paragraph 7 of the definition of "Public Nuisance" as follows:*

7. Any premises that is unsanitary, or that is littered with rubbish or garbage ~~or that has an uncontrolled growth of weeds;~~ or

*Under Section 202, General Definitions, amend the definition of "Rooming House" as follows:*

Rooming House: A detached dwelling unit containing sleeping accommodations for ~~individuals other than~~ **more than three (3) unrelated individuals** ~~other than members of the resident family and~~ having common kitchen and dining facilities.

## **Section 302 – Exterior Property Areas**

*302.4 Weeds: Delete this section in its entirety and replace with the following:*

302.4 Weeds. Weeds on all exterior premises shall be maintained at a height that does not obstruct sight distance when entering or exiting a roadway or has the potential to create a fire hazard or public nuisance.

## **Section 307 – Handrails and Guardrails**

*307.1 General:* Delete this section in its entirety and replace with the following:

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck of ramp or other walking surface.

*Exception:* Guards shall not be required where exempted by the more recently adopted building code.

## **Section 405 – Dwelling Units**

*405.1 Dwelling Unit:* Amend paragraph 1 as follows:

1. The unit shall be provided with a kitchen sink, cooking appliance (a microwave is not considered a cooking appliance per section 403.3) ***with all components in safe, clean working condition,*** and a clear working space of not less than 30 inches. Light and ventilation conforming to this code shall be provided.

*Add the following as a new section:*

## **Section 406 – Rooming Houses**

406.1 A person shall not operate a rooming house, hotel or motel unless that person holds a valid rooming house permit per Article 27-1-3 of the City of Concord Code of Ordinances.

406.2 A detached dwelling housing three (3) or more unrelated individuals other than members of the resident family is classified as a rooming house and is subject to an annual inspection.

## **Section 503 – Toilet Rooms**

*503.3 Floor surface:* Amend this section as follows:

503.3 Floor surface. In ~~other than~~ dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such flooring to be easily kept in a clean and sanitary condition.

## Section 605 – Electrical Equipment

Add new sections “605.4, 605.5, 605.6, 605.7 and 605.8” as follows:

605.4 Branch circuits in buildings with more than one occupancy. Branch circuits in each dwelling unit shall supply only loads within that dwelling.

605.5 Common area branch circuits with more than one occupancy. Branch circuits installed for the purpose of lighting, central alarm, signal, communications, or other purposes for public or common areas of a two-family dwelling, a multi-family dwelling, or a multi-occupancy building shall not be supplied from equipment that supplies an individual dwelling unit or tenant space.

605.6 Identification. Each circuit in an electrical panel is required to be identified as to what area of the building that circuit supplies power.

605.7 Occupancy. Each occupant shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy.

Exception: Where electrical service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the service overcurrent devices and feeder overcurrent devices supplying more than one occupancy shall be permitted to be accessible only to authorized management personnel in multiple-occupancy building and guest rooms/guest suites.

605.8 Unused openings. Unused openings for circuit breakers and switches shall be closed using identified closures or other approved means that provide protection substantially equivalent to the wall of the enclosure.

## Section 702 – Fire Protection Systems

704.2 Smoke alarms: Amend this section as follows:

704.2 Smoke alarms. ~~The minimum standard pursuant to the City Housing Code, Article 27 of the Municipal code of Ordinances and a July 1, 1999 amendment to the State of NH Smoke Detector Law Rules (RSA 153:10 a) requires that~~ Existing battery powered smoke detectors located within single family rental housing and multi-family (two or more dwelling units) housing, must be replaced with a hard wired\*, electrically powered battery back-up smoke detectors, which incorporate a “false alarm silencing” feature. The electrically powered smoke detector(s) must be installed by a New Hampshire licensed master electrician. An electrical permit must be obtained prior to installation. This code standard applied to the installation of smoke detection where none were previously provided ~~but~~ **or additional units** are required.

*\*Remote Smoke Detectors. In existing buildings, wireless remote, battery-back up smoke detectors may be installed. Installation must be performed by a State of NH licensed electrician.*

**SECTION II:** This ordinance shall take effect upon its passage.





# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Michael Santa, CBO, Code Administrator

**DATE:** July 16, 2013

**SUBJECT:** Updating of the City's Housing Code

### **Recommendation**

Accept this report recommending that the City Council amend the Code of Ordinances, Chapter 27, Housing Maintenance and Occupancy Code.

### **Background**

The current Code of Ordinances, Chapter 27, Housing Maintenance and Occupancy Code was last updated in March of 2011. The Housing Maintenance and Occupancy Code is based on the 2009 International Property Maintenance Code. Staff is proposing amendments to the Housing and Maintenance Occupancy Code because recent State of New Hampshire changes to the smoke detector and carbon monoxide requirements in residential structures has created a conflict between standards. Staff is also proposing other amendments to the Housing and Maintenance Occupancy Code to provide clarification regarding the requirements of certain sections.

### **Discussion**

The City's Housing Maintenance and Occupancy Code was last updated in 2011. Since the Housing Maintenance and Occupancy Code is specifically tailored to the City of Concord, situations are encountered that occasionally require the amending of the code. The proposed amendments have been written to provide consensus between State and local law, as well as to provide clarification in sections of the code to prevent any ambiguities about the requirements.

cc: Thomas J. Aspell, City Manager  
Carlos Baia, Deputy City Manager, Development  
Gloria McPherson, City Planner  
Craig Walker, Zoning Administrator  
Sean Toomey, Deputy Fire Chief



## **Proposed changes to Housing Maintenance and Occupancy Code 2012**

(Red font = additions to code)  
(Deletions)

**101.3.1 Licensed Trades:** To further ensure the public health, safety and welfare, any new installations or major repairs in residential rental property to plumbing, mechanical or electrical, work must be performed by State of NH licensed tradesmen who shall obtain the necessary permits for such work. The Code Official may require a licensed tradesman to correct non-compliances to plumbing, mechanical or electrical work performed by the property owner or his agent.

**104.3.1 Access by owner/operator/agent:** Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

**704.2 Smoke alarms.** ~~The minimum standard pursuant to the City Housing Code, Article 27 of the Municipal Code of Ordinances and a July 1, 1999 amendment to the State of NH Smoke Detector Law Rules (RSA 153:10-a) requires that~~ Existing battery powered smoke detectors located within single family rental housing and multi-family (two or more dwelling units) housing, must be replaced with hard wired\*, electrically powered battery back-up smoke detectors, which incorporate a "false alarm silencing" feature. The electrically powered smoke detector(s) must be installed by a New Hampshire licensed master electrician. An electrical permit must be obtained prior to installation. This code standard applies to the installation of smoke detection where none were previously provided ~~but~~ or additional units are required.

**\*Remote Smoke Detectors.** In existing buildings, wireless remote, battery-back up smoke detectors may be installed. Installation must be performed by a State of NH licensed electrician.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most recently adopted versions of the following codes: International Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, NFPA 70, International Existing Building Code, NFPA 101 Life Safety Code, International Building Code, International Fuel Gas Code, International Mechanical and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Municipal Code of Ordinances, Chapter 28.

**302.4 Weeds.** ~~All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this code term shall not include cultivated flowers and gardens.~~

~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

Weeds on all exterior premises shall be maintained at a height that does not obstruct sight distance when entering or exiting a roadway or has the potential to create a fire hazard.

## **SECTION 202 - GENERAL DEFINITIONS**

**Public Nuisance:** Includes, but is not limited to, the following:

7. Any premises that is unsanitary, or that is littered with rubbish or garbage ~~or that has an uncontrolled growth of weeds; or~~

**Rooming House:** A detached dwelling unit containing sleeping accommodations for ~~individuals other than~~ more than three (3) unrelated

individuals ~~other than members of the resident family~~ and having common kitchen and dining facilities.

**Weeds:** All grasses, annual plants and vegetation, other than trees or shrubs or cultivated flowers and gardens.

## **SECTION 406 - ROOMING HOUSES**

**406.1** A person shall not operate a rooming house, hotel or motel unless that person holds a valid rooming house permit per Article 27-1-3 of the City of Concord Code of Ordinances.

**406.2** A detached dwelling housing three (3) or more unrelated individuals other than members of the resident family is classified as a rooming house and is subject to an annual inspection.

## **Section 307 - Handrails and Guardrails**

**307.1 General.** ~~Handrails and guardrails in residential occupancies shall comply with the minimum standards established by the appropriate of the most recently adopted version of NFPA 101 Life Safety Code.~~ Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards not less than 30 inches high above the floor of the landing, balcony, porch, deck or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the most recently adopted building code.

## **Under Chapter 6 Mechanical & Electrical Requirements:**

**605.4 Branch circuits in buildings with more than one occupancy.** Branch circuits in each dwelling unit shall supply only loads within that dwelling unit.



# CITY OF CONCORD

---

*In the year of our Lord two thousand and thirteen*

**RESOLUTION**      **Relative to the public highway discontinuance of a portion of North State Street between Church Street and Bouton Street in Concord, NH**

*The City of Concord resolves as follows:*

WHEREAS, North State Street is an original rangeway held in fee by the City dating back to 1726; and

WHEREAS, a portion of the North State Street rangeway, which had historically been fenced and incorporated into the west side of the Walker School property, was authorized by City Council on May 13, 2013, by Resolution #8660, to be conveyed to the owner of the Walker School property; and

WHEREAS, Walker School Media Building, LLC, is the owner of the Walker School property; and

WHEREAS, Walker School Media Building, LLC, in an abundance of caution, has requested that any highway rights in that portion of North State Street authorized to be conveyed to Walker School Media Building, LLC, be discontinued completely in order to facilitate the receipt of a clean title insurance policy; and

WHEREAS, any highway rights will continue on the remaining portion of North State Street between Church Street and Bouton Street that is not authorized to be conveyed, and the existing travelled way will not be impacted by the discontinuance of the portion of North State Street authorized to be conveyed; and

WHEREAS, the section of North State Street between Church Street and Bouton Street is a Class V highway; and

WHEREAS, a city's governing body may, pursuant to NH RSA 231:43 (Power to Discontinue), vote to discontinue completely any Class IV, V or VI highway, or any portion thereof.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: That a portion of North State Street, between Church Street and Bouton Street, as described below shall be discontinued completely as a public highway. The legal description has been determined by utilizing the boundary information as shown on a plan entitled "Resubdivision Plat prepared for WBIN Media, Inc., dated April 17, 2013, prepared by Richard D. Bartlett & Associates, LLC, and to be recorded in the Merrimack County Registry of Deeds, which parcel is identified on said plan as

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION**      **Relative to the public highway discontinuance of a portion of North State Street between Church Street and Bouton Street in Concord, NH**

*The City of Concord resolves as follows:*

(Continued from page 1)

*"Portion of North State Street ROW to be Discontinued and Annexed to Lot 1" and is more particularly described as:*

Commencing at a concrete bound set at the intersection of the northerly sideline of Church Street and the easterly sideline of North State Street, said concrete bound marking the southwesterly most corner of the premises herein described; thence

N27°58'45"W a distance of 238.14 feet along said North State Street to a granite bound set; thence

N21°36'15"W a distance of 133.63 feet to a granite bound set; thence

N26°50'40"W a distance of 84.50 feet to a granite bound set; thence

N45°39'55"E a distance of 25.60 feet to a granite bound, the last three courses being along said North State Street; thence

S27°01'30"E a distance of 464.90 feet to a railroad spike found on said sideline of Church Street; thence,

Along said Church Street S65°48'40"W a distance of 33.41 feet to the point of beginning.

Containing 14,738 square feet or 0.34 acres.

Section 2: That this resolution shall become effective upon the date of passage.



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Gloria McPherson, City Planner

**DATE:** July 24, 2013

**SUBJECT:** Request to discontinue a portion of North State Street between Church Street and Bouton Street

### Recommendation

It is recommended that the City Council approve the attached resolution for the discontinuance of a portion of North State Street between Church Street and Bouton Street.

### Background

At its May 13, 2013 meeting, the City Council approved a resolution 1) authorizing the City Manager to convey a strip of property owned in fee by the City and located along the east side of North State Street, from the City to Walker School Media Building, LLC, so it can be annexed to the Walker School parcel, and 2) to accept a strip of property from the same LLC, along Bouton Street, to be annexed to the Bouton Street right-of-way. Walker School Media Building, LLC, is the present owner of the former Walker School property.

North State Street is an original rangeway held in fee by the City dating back to the 1700's. While rangeways were established for the purpose of creating and preserving ways of passage through cities and towns, there has been no clear legal precedent, by statute or case law, which defines whether inherent in such rangeways are the rights of the public to pass and repass (highway rights), which must then be discontinued if a town or city is conveying all or a portion of a rangeway.

An argument can certainly be made that such highway rights are inherent, given the purpose of such rangeways, and thus, need to be discontinued if all or a portion of a rangeway is conveyed. However, an argument can also be made that because cities and towns appear to hold rangeway rights in fee, then such highway rights need not be discontinued if a city or town conveys all of its rights in such property.

### **Discussion**

Walker School Media Building, LLC, is in need of a title insurance policy for the property. While it is not clear that a discontinuance is necessary, in an abundance of caution, Walker School Media Building, LLC, has requested that the City discontinue any highway rights it may have in that portion of the North State Street rangeway that was authorized to be conveyed from the City to Walker School Media Building, LLC.

This discontinuance would facilitate the receipt of a "clean" title insurance policy for the Walker School property, as newly configured following the conveyance described above.

A full description of the portion of North State Street to be discontinued is included in the attached resolution.

Bur 7/30/13

8-16

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING THE SUM OF ONE MILLION FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,570,000), INCLUDING ACCEPTANCE OF FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$560,000) IN COMMUNITY DEVELOPMENT INVESTMENT PROGRAM TAX CREDITS FROM THE NEW HAMPSHIRE COMMUNITY DEVELOPMENT FINANCE AUTHORITY AND AUTHORIZING THE ISSUANCE OF ONE MILLION TEN THOUSAND DOLLARS (\$1,010,000) IN BONDS AND NOTES; SAID AMOUNT BEING THE PRIVATE SECTOR SUPPORTED MATCH FOR CONSTRUCTION OF THE DOWNTOWN COMPLETE STREETS PROJECT (CIP #460)

Page 1 of 3

*The City of Concord resolves as follows:*

**WHEREAS,** the City is undertaking the Downtown Complete Streets Project (CIP #460); and

**WHEREAS,** the total budget for said project is \$10,540,000, of which \$1,570,000 are matching funds intended to be supported by the private sector; and

**WHEREAS,** on July 10, 2013 the City was awarded an allocation of Community Development Investment Program Tax Credits in the net amount of \$560,000 from the NH Community Development Finance Authority, which shall be sold by the City in partnership with the Greater Concord Chamber of Commerce in order to generate revenue for that portion of the matching funds to be supported by the private sector for this project; and

**WHEREAS,** accounting for revenues from sale of the aforementioned tax credits, the remaining match amount to be raised is approximately \$1,010,000; and

**WHEREAS,** subject to ongoing negotiations, the net amount of the private sector supported match may further be reduced from \$1,010,000 by a payment in lieu of constructing streetscape infrastructure from the developers of the so-called Bindery Redevelopment Project located at 43 South Main Street; and

**WHEREAS,** the City cannot award construction contracts for the Downtown Complete Street Project without having the full amount of the private sector supported match appropriated; and

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING THE SUM OF ONE MILLION FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,570,000), INCLUDING ACCEPTANCE OF FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$560,000) IN COMMUNITY DEVELOPMENT INVESTMENT PROGRAM TAX CREDITS FROM THE NEW HAMPSHIRE COMMUNITY DEVELOPMENT FINANCE AUTHORITY AND AUTHORIZING THE ISSUANCE OF ONE MILLION TEN THOUSAND DOLLARS (\$1,010,000) IN BONDS AND NOTES; SAID AMOUNT BEING THE PRIVATE SECTOR SUPPORTED MATCH FOR CONSTRUCTION OF THE DOWNTOWN COMPLETE STREETS PROJECT (CIP #460)

Page 2 of 3

**WHEREAS,** subject to future public hearings and actions by the City Council separate from those to adopt this resolution, the annual debt service associated with that portion of the private sector supported match may be supported by alternative means such as a special assessment district or other alternative financing tools, as permitted by New Hampshire State Law; and

**WHEREAS,** RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution, which shall be taken by roll call vote.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The sum of..... \$1,570,000  
be and is hereby appropriated as follows:

Capital Projects General Fund

Downtown Complete Streets (CIP# 460)..... \$1,570,000

- 2) Revenue is available as follows:

Capital Projects General Fund

General Obligation Bonds..... \$1,010,000

Community Development Investment Program Tax Credits..... \$ 560,000

- 3) Any payments in lieu of constructing streetscape infrastructure received by the City from the developers of the Bindery Redevelopment Project located at 43 South Main Street shall be credited against the match and used to reduce the net amount of the general obligation bond to be issued by the City.

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING THE SUM OF ONE MILLION FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,570,000), INCLUDING ACCEPTANCE OF FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$560,000) IN COMMUNITY DEVELOPMENT INVESTMENT PROGRAM TAX CREDITS FROM THE NEW HAMPSHIRE COMMUNITY DEVELOPMENT FINANCE AUTHORITY AND AUTHORIZING THE ISSUANCE OF ONE MILLION TEN THOUSAND DOLLARS (\$1,010,000) IN BONDS AND NOTES; SAID AMOUNT BEING THE PRIVATE SECTOR SUPPORTED MATCH FOR CONSTRUCTION OF THE DOWNTOWN COMPLETE STREETS PROJECT (CIP #460)

Page 3 of 3

- 4) In order to meet said expenditures the City Treasurer, with approval of the City Manager, is authorized to issue one million ten thousand dollars (\$1,010,000) in bonds and notes of the City of Concord under the Municipal Finance Act.
- 5) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes and providing for the sale is hereby delegated to the City Treasurer.
- 6) Sums as appropriated shall be expended under the direction of the City Manager.
- 7) The useful life of the improvements is expected to be in excess of twenty-five (25) years.
- 8) This resolution shall take effect upon its passage.





# CITY OF CONCORD

12A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Matthew R. Walsh, Assistant for Special Projects *MRW*  
**DATE:** July 25, 2013  
**SUBJECT:** Downtown Complete Streets Project: Tax Credit Funds & Private Share Match Appropriation

### Recommendation:

- Accept the following report; and,
- Set the attached resolution accepting and appropriating the sum of \$1,570,000, including \$560,000 in Community Development Investment Program Tax Credits from the New Hampshire Community Development Finance Authority, and authorizing the issuance of bonds and notes in the amount of up to \$1,010,000; said amount being the private sector supported portion of matching funds for the construction of the Downtown Complete Streets Project (CIP #460).

### Background:

The City is undertaking a certain capital improvement project known as the Downtown Complete Street Project. The project's total budget, together with funding sources and proposed uses, is as follows:

Funding Source	Amount	Percent	Use
TIGER Grant	\$4,710,000	45%	Design & Construction
City Supported Match - Impact Fees	\$168,000	2%	Design & Construction
City Supported Match - Bond	\$1,402,000	13%	Design & Construction
Private Sector Supported Match	\$1,570,000	15%	Design & Construction
Sears Block TIF District Bond*	\$2,500,000	24%	South Main Street Underground Utilities
City Economic Development Reserve Fund	\$190,400	2%	Public Relations
<b>Subtotal</b>	<b>\$10,540,400</b>	<b>100%</b>	

\* Appropriation to be voted on by City Council on August 12, 2013

On March 11, 2013, the City Council approved Resolution #8646 which authorized the City Manager to apply for up to \$1.5 million in Community Development Investment Program Tax Credits from the New Hampshire Community Development Finance Authority for the Downtown Complete Streets Project (CIP #460). The City submitted an application seeking \$1.4 million in credits on April 19, 2013. The purpose of this application was to help offset the \$1.57 million private sector match required to support the project.

Construction of the Downtown Complete Street project is set to commence in September 2013. Presently, the City Engineering Division anticipates a bid package will be issued on or about July 26<sup>th</sup> with pricing due on or about August 29<sup>th</sup>. The City will only be able to enter into a construction contract with the lowest qualified bidder once the City Council appropriates all funds for the project, including the private section match, on September 9, 2013.

**Discussion:**

1. *Tax Credit Award:* On July 10, 2013 the New Hampshire Community Development Finance Authority (NHCDFA) notified the City that it has been awarded \$700,000 in tax credits to support the Downtown Complete Streets Project. After an administration fee taken by the NHCDFA to support their operations, the City will receive a net amount of \$560,000 for the project. This net amount will be credited directly against the private share match for the project. This was the largest tax credit award made by the NHCDFA for this application round.

The success of the City's application would not have been possible without the considerable efforts of the Concord Chamber of Commerce (especially Paul Rizzi, Tim Sink, and the Chamber's Tax Credit Taskforce Team), as well as Betsy McNamara of Full Circle Consulting. The Chamber of Commerce's efforts resulted in pledges from local businesses for approximately \$1.1 million in tax credits. Therefore, selling the more modest amount of \$700,000 is expected to be a manageable task.

2. *Bindery Project Financial Contribution:* In addition to the recent award of tax credits, the City will be receiving a financial contribution from the developers of the Bindery Redevelopment Project for construction of the forthcoming streetscape improvements. Specifically, the Bindery Project was obligated to make certain streetscape and sidewalk improvements in accordance with its City permits and approvals. However, due to the timing of the Complete Street Project, it would not be logical for the Bindery to construct these required improvements only to have them removed and replaced by the City during construction of the Downtown Complete Streets Project. Therefore, the developers will be making a payment in lieu of constructing the approved improvements. As of the date of this report, the exact amount of this contribution was still being negotiated by the City Planning Division and Stephen Duprey, principal developer of the new Bindery Building.

Once the amount is finalized, it will be credited against the private share match for the project, thereby further reducing the amount of the proposed general obligation bond.

3. Net Private Share Match & Options: After accounting for the tax credits, the net amount of private sector supported match is \$1,010,000. Again, this amount excludes anticipated revenues from the Bindery Project. Therefore this amount will be further reduced once the Planning Division and Mr. Duprey come to an agreement about the payment in lieu of constructing the planning board approved streetscape improvements for the recently completed Bindery Redevelopment Project.

In order to allow the project to proceed, staff recommends that the City issue a general obligation bond in the amount of up to \$1,010,000. Assuming a 20 year bond at 3% interest, the first year debt service payment for this bond will be approximately \$80,800. However, the average annual payment over the 20 year life of the debt will be \$66,400.

As discussed over the past several months, there are various options available for how the City could pay for annual debt service costs. A discussion of the three primary options is as follows:

- a. Option 1: General Fund: The City's General Fund could take on the responsibilities of the \$1,010,000 in new debt service associated with the private match. Staff estimates that the annual cost of the private share debt service to a \$250,000 home would be approximately \$5.27 / year. It is important to note that this amount would be in addition to the \$7.32 / year for debt service to support the bonded portion of the City's match for the project. Please see the table below for details.

<u>Annual Impact to \$250,000 Dwelling</u>	<u>Amount</u>	<u>Percent</u>	<u>Notes</u>
Annual Debt Service: City Share Match (Net After Impact Fees) \$1,402,000	\$112,160	58.1%	Year 1 Debt = \$112,160. Average Annual Debt Payment Over 20 Years = \$92,180
Annual Debt Service: Private Sector Match (Net After Tax Credits) \$1,010,000	<u>\$80,800</u>	41.9%	Year 1 Debt = \$80,800. Average Annual Debt Payment Over 20 Years = \$66,400
Total Annual Debt Service	\$192,960	100.0%	
City Taxable Assessed Value	\$3,832,100,782		
Tax Rate Impact \$ / \$1,000 AV	\$0.05		
<u>Annual Cost to \$250,000 Single Family Home - Year 1</u>	<u>\$12.59</u>		
City Match Share	\$7.32		
Private Match Share	\$5.27		

- b. Option 2: Sears Block Tax Increment Finance District: A portion of the Downtown Complete Street Project is located within the Sears Block Tax Increment Finance District (SBTIF). As such, the City could theoretically utilize SBTIF revenues to support either the public or private sector supported match for the project. However, it must be noted that the SBTIF will be supporting the annual debt service payments for the \$2.5 million bond to install underground utilities on South Main Street (with \$200,000 debt service in Year 1 and an average annual debt service of \$165,000 per year over the 20 life of the bond). Therefore, the SBTIF does not have available capacity to absorb any portion of the private sector match obligations for this project.
- c. Option 3: Special Assessment District: Lastly, as previously discussed the City Council could establish a Special Assessment District and assess the annual debt service cost associated with the "private match" against those properties benefiting from the Downtown Complete Street Project. The City Council has the authority to do so per NH RSA 49-C:25, the Sections 48 and 49 of the City Charter, as well as the Article 2-3 of the City Code of Ordinances.

On June 3, 2013 staff provided the City Council with a presentation which discussed three potential geographies for such a district. Copies of those geographies are attached. Again, governmental properties would be excluded from assessment; however all other tax exempt real estate would be subject to the special assessment pending recommended changes to Article 2-3 of the City Code of Ordinances.

Costs can be levied against properties located within a Special Assessment District in a variety of ways. However, the most common methodology is by assessed value or linear foot of street frontage.

The estimated Special Assessment rate for all three geographies, by assessed value and linear foot of frontage, are below. If the City Council desired to pursue this option, staff would recommend using Assessed Value Geography #1 as this district would only include those parcels directly fronting on the Downtown Complete Streets Project Area and, therefore, directly benefit from the proposed improvements.

<b>SPECIAL ASSESSMENT BY FRONTAGE</b>					
<b>Amount to Raise:</b>		<u><b>\$1,010,000</b></u>			
<b>Year 1 Debt Service Payment*</b>		<u><b>\$80,800</b></u>			
<b>Average Annual Debt Payment</b>		<u><b>\$66,408</b></u>			
<b>Geography</b>	<b>Total Frontage of Non-Gov't Parcels (Feet)</b>	<b>Total Number of Parcels</b>	<b>Average Length of Frontage (Feet)</b>	<b>Rate Per Foot of Frontage</b>	<b>Cost to Average Property</b>
Option 1: Main Street Only	6,943	96	72	\$11.64	\$841.67
Option 2: Main Street + Plazas	7,637	107	71	\$10.58	\$755.14
Option 3: Storrs to State Street	25,635	205	125	\$3.15	\$394.15

\*Assumes 20 Years @ 3%. Figured used for all calculations.

<b>SPECIAL ASSESSMENT BY ASSESSED VALUE</b>					
<b>Amount to Raise:</b>		<u><b>\$1,010,000</b></u>			
<b>Year 1 Debt Service*</b>		<u><b>\$80,800</b></u>			
<b>Average Annual Debt Payment</b>		<u><b>\$66,408</b></u>			
<b>Geography</b>	<b>Assessed Value Non-Gov't Parcels</b>	<b>Total Number of Parcels</b>	<b>Average Assessed Value</b>	<b>Rate \$1,000 / A.V.</b>	<b>Cost to Average Property</b>
<b>Option 1: Main Street Only**</b>	<b>\$122,508,100</b>	<b>96</b>	<b>\$1,276,126</b>	<b>\$0.66</b>	<b>\$841.67</b>
Option 2: Main Street + Plazas	\$135,791,156	107	\$1,269,076	\$0.60	\$755.14
Option 3: Storrs to State Street	\$186,165,017	205	\$908,122	\$0.43	\$394.15

\*Assumes 20 Years @ 3%. Figured used for all calculations

\*\* Staff recommended option

The City Engineering Division reports that the project is expected to be put out to bid on or about July 26<sup>th</sup>, with pricing due on August 30<sup>th</sup>. This schedule will allow for construction to commence in mid-September. Again, this schedule is being driven solely by requirements of the Federal TIGER Grant.

Without approving the issuance of a bond for the balance of the private sector supported match, City Administration will be unable to enter into a contract for construction of the project due to insufficient funds. Therefore, it is important for the City Council to approve issuance of this bond in order to allow the project to proceed.

Although the balance of the private sector supported matching funds must be appropriated in short term, the City Council does have some flexibility as to when it must decide how this debt service will be supported (i.e. General Fund or Special Assessment District). Specifically, staff anticipates this debt will be sold during the City's annual bond sale in January 2014. The first installment of debt service will not be due until July 2014 (FY 2015).

Should the City Council be interested in the Special Assessment District Option, staff recommends that the Council provide the City Administration with such direction not later than the December 9, 2013 City Council meeting. This would allow for staff to prepare the necessary resolutions for submission in January 2014 and public hearing in February 2014. This schedule is important as staff would need to account for special assessment revenues as part of the FY2015 budget (preparation of which will be fully underway in early 2014). It would also allow the City Administration time to implement the necessary procedures in order to bill affected properties in relation to the start of the new debt service in July 2015.

4. Related Financial Issues to Consider: Related to the private sector supported match and overall financing plan for the project, the City Council may want to consider the following items as it finalizes plans for this project.
  - a. Alternative Use Funds for Sidewalk Heating Infrastructure: Given ongoing concerns about the long-term viability of Concord Steam, the City Council may want to consider reallocating funds reserved for sidewalk heating infrastructure to reduce the project cost (specifically the public and private sector supported match amounts). The estimated cost for installing infrastructure for the sidewalk snow melt system is \$635,000 - \$909,000, depending upon the final geography of the snow melt system.

Alternatively, the Council could reallocate those funds to help finance the Capitol Center for the Arts' request to extend proposed underground utilities on South Main Street further south from Thompson Street to Concord Street. The estimated additional cost to extend the underground utilities is approximately \$1 million; however the Community Development Department is currently working to refine this estimate in time for the Council's September regular meeting.
  - b. Special Assessment & Central Business Improvement District Trade-Off. The City Council may want to have a dialog with downtown stakeholders whereby the City would absorb the balance of the private sector supported match for the project (\$1,010,000+/-) in exchange for the creation of a Central Business Improvement District (BID) to fund the net new annual operating and maintenance costs for the Downtown Complete Streets Project.

Again, the projected gross annual cost in Year 1 (FY2016) to maintain the Downtown Complete Streets project and related improvements is \$448,000. Assuming continued contributions from the City's General Fund (\$102,045),

Parking Fund (\$58,200), and Forestry Funds (average of \$4,680), net new amount of funds needed to maintain the project once completed is \$283,000 in Year 1.

The City Council could opt to have this net new cost be the sole responsibility of the BID, or shared between the BID and City's General Fund. Creation of the BID, specifically the establishment of the geography and appointment of the advisory board, could be delayed until summer / fall 2014. Collection of the BID moneys would not happen until FY2016 (i.e. July 1, 2015 after the project has been constructed).













## CITY OF CONCORD

### REPORT TO MAYOR AND CITY COUNCIL

**FROM:** Kathryn H. Temchack, Director of Real Estate Assessments

**DATE:** August 2, 2013

**SUBJECT:** Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls

#### **Recommendation**

Request that the Mayor and Council accept this report and schedule for public hearing the authorization of the City Manager to sign the attached payment in lieu of taxes ("PILOT") agreement between the City of Concord and Briar Hydro Associates for the Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls.

#### **Background**

Briar Hydro Associates owns and operates three hydroelectric generating facilities along the Contoocook River:

1. The Rolfe Canal Falls (RCF) project; a 4.283 Megawatt generating facility located solely in Concord ,
2. The Penacook Upper Falls (PUF) project, a 3.02 Megawatt generating facility, 66.42% of the project is in Concord and 33.58% of the project is in Boscawen.
3. The Penacook Lower Falls (PLF) a 4.11 Megawatt generating facility; 9.10% of the project is in Concord and 90.9% of the project is in Boscawen.

In 2007 the legislature amended RSA 72:74 by enacting SB 99 permitting municipalities to enter into PILOT agreements with renewable generation facilities. Briar Hydro and the City of Concord previously entered into agreements that have all expired this year.

Briar Hydro Associates and the City of Concord both want to have a reasonable level of assurance of an expected PILOT payment and expected income for budgeting purposes. The parties believe that this PILOT agreement will best achieve this assurance. The PILOT agreement is for 5 (five) years beginning April 1, 2013 and ending on March 31, 2017. The PILOT payments are determined by multiplying the PILOT rate of 5.0% (Briar Hydro in their initial offer to the City offered 4.5%) times the gross revenues for the calendar year. Historically, the rate has ranged from 2.5% to 5.0% over the life of the project). Gross Revenue means the

total revenues of the Project derived from the sale of electricity, capacity pricing and Renewable Energy Certificates (RECs) which are sold, traded and/or auctioned in the preceding calendar year.

In the case of the PUF and PLF the PILOT would be determined multiplying the PILOT rate of 5.0% times the gross revenues for the calendar year and then by 66.42% and 9.1% respectively to account for the amount of the project in Concord.

The total minimum annual PILOT payments to the City will be no less than \$110,000 (Briar Hydro offered a minimum payment of \$80,000 and without the collective sum PILOT noted below) which is a reduction from the previous minimum payments. The reduction is reasonable since the long term contracts from 1994 between PSNH and Briar Hydro have expired and now the sale of electricity is based upon the prevailing market prices rather than the previous power agreements of higher than market prices. The first year's minimum payment will be \$86,000 because two of the payments for the contracts just ending already included income from January 1, 2013 through March 31, 2013.

Notwithstanding the formula noted above, Briar Hydro also agrees that the collective sum of PILOT payments over the five year term shall be no less than \$625,000 less the \$24,000 reduction for the first contract years' minimum payment from \$110,000 to \$86,000. If the collective sum of PILOT payments over the five year term of this agreement is less than \$601,000, BRHA shall make a one-time payment to the City equal to the difference between \$601,000 and the collective sum of prior payments.

The attached PILOT agreement between the City of Concord and Briar Hydro Associates has been reviewed and agreed upon by the parties and requires City Council approval to allow the City Manager to execute on behalf of the council. By statute, the City Council's acceptance of the proposed PILOT agreements must be made following a public hearing.

### **Discussion**

None.

PAYMENT IN LIEU OF TAX AGREEMENT  
BETWEEN  
THE CITY OF CONCORD  
AND BRIAR HYDRO ASSOCIATES

In accordance with RSA 72:74, the City of Concord, New Hampshire (the "City"), and Briar Hydro Associates, a New Hampshire limited partnership with offices at 2 Commercial Street, Boscawen, New Hampshire, ("BRHA"), enter into a Payment in Lieu of Tax ("PILOT") Agreement on this \_\_\_ day of September, 2013 ("Agreement"). The City and BRHA, individually, are each referred as a "Party" and are collectively referred to as the "Parties." This Agreement constitutes the First Collective PILOT Agreement between the parties.

WHEREAS, BRHA owns and operates the Rolfe Canal hydroelectric project, a 4.283 Megawatt hydroelectric generating facility along the Contoocook River ("ROLFE"), 100% of which is within the City; and

WHEREAS, BRHA owns and operates the Penacook Upper Falls hydroelectric project, a 3.02 Megawatt hydroelectric generating facility along the Contoocook River ("PUF"), 66.42% of which is within the City; and

WHEREAS, BRHA owns and operates the Penacook Lower Falls hydroelectric project, a 4.6 Megawatt hydroelectric generating facility along the Contoocook River ("PLF"), 9.1% of which is within the City; and

WHEREAS, the City and BRHA had been party to numerous separate PILOTs for Rolfe, PUF and PLF between 1985 and March 31, 2013; and

WHEREAS, under the terms of this Agreement, the City and BRHA enter into the First Collective PILOT Agreement;

NOW THEREFORE, in accordance with RSA 72:74, the Parties hereby acknowledged, agree as follows:

I. DEFINITIONS

a. "Agreement" shall mean this Agreement also referred to as the First Collective PILOT Agreement.

b. The "Contract Year" shall mean the period beginning on April 1 and ending on March 31.

c. "Gross Revenue" shall mean the total revenue of the Project in the preceding calendar year from the sale, trade or auction of electricity, capacity pricing and Renewable Energy Certificates ("RECs") pursuant to a Power Sales Arrangement, and shall include electricity, capacity pricing and RECs which are sold, traded and/or auctioned during the calendar year even if payment is not received until after March 31.

d. "Payment in Lieu of Tax" ("PILOT") shall mean all payments made by BRHA to the City under this Agreement in lieu of any and all taxes that would otherwise be assessed by the City against BRHA.

e. "PILOT Rate" shall mean the percentage rate, as set forth in Section IV, by which the PILOT is calculated using the formula more specifically described at Section II below.

f. "Power Sales Arrangement" shall mean any agreement or agreements pursuant to which electricity produced by the Project is sold, including the sale, trade or auction of RECs and capacity payments.

g. "Projects" shall mean BRHA's Rolfe Canal hydroelectric project, 100% of which is located in the City, Penacook Upper Falls hydroelectric project, 66.42% of which is located in the City, and Penacook Lower Falls hydroelectric project, 9.1% of which is located in the City. Projects shall also include any and all real and personal property owned by BRHA and used in the production of electric power at the power facilities and said Projects, including the land, all rights, easements and other interests thereto, including transmission lines from such facility, and all dams, buildings, structures and other improvements situated thereon which are necessary or incidental to the production of power at the Projects.

## II. PAYMENT FORMULA

The PILOT as set forth in this Agreement shall be calculated by multiplying the PILOT Rate times the Gross Revenue for such year for each project by the rate indicated below:

Project	Rate
ROLFE	100.00 %
PUF	66.42 %
PLF	9.10 %

## III. TERM

The term of this Agreement shall be for five years commencing on April 1, 2013 and ending on March 31, 2018. Notwithstanding the end of the term, the final PILOT shall be due and payable on or before June 30, 2018 based on the Gross Revenue from the sale, trade or auction of electricity, capacity pricing and RECs pursuant to all Power Sales Arrangements from January 1, 2017 through December 31, 2017, even if received by BRHA after December 31, 2017.

## IV. PILOT RATE

The PILOT Rate for the Contract Year during the term of this Agreement shall be five percent (5.0%).

## V. CERTIFICATION AND PAYMENT

Each year on or before March 31st BRHA shall present to the City a statement containing the information hereinafter set forth together with the payment of the amount of the PILOT due based upon the Gross Revenue for the previous calendar year:

1. Gross Revenue of the calendar year from the sale, trade or auction of electricity, capacity pricing and RECs pursuant to all Power Sales Arrangements. For the first contract year from April 1, 2013 through March 31, 2014, Gross Revenue for the Rolfe and PLF projects shall only include Gross Revenues from April 1, 2013 through December 31, 2013 since the previous PILOT agreement included Gross Revenues for the January 1, 2013 through March 31, 2013.
2. The amount of the PILOT due for the Contract Year.
3. Copies of all invoices issued and paid for all sales, trades and auctions shall accompany the statement for each calendar year pursuant to all Power Sales Arrangements.

If any portion of the current calculated or minimum PILOT is not remitted by March 31st, interest shall accrue on the PILOT due at the rate of 12% per annum beginning on April 1st to the date of payment if before the date of lien; if the unpaid PILOT goes to lien, the interest rate will increase to the statutory 18% in addition to any statutory fees incurred under RSA Chapter 80 if the City is required to exercise any rights or remedies to collect the payment, as if it was a tax, provided by law under RSA Chapter 80.

Notwithstanding the above paragraph, it is understood that not all payments generated by the REC and Capacity calculations during the calendar year are received on or before March 31st of the following year. Therefore, no later than June 30th, BRHA shall make a final accounting of all income received for the calendar year electric sales, RECs and capacity payments following the Payment Formula as shown in Section II and pay any additional payments not previously remitted by the March 31st payment date on or before June 30th.

If any portion of the final calculated or minimum PILOT is not remitted by June 30th, interest shall accrue on the PILOT due at the rate of 12% per annum beginning on July 1st to the date of payment if before the date of lien; if the unpaid PILOT goes to lien, the interest rate will increase to the statutory 18% in addition to any statutory fees incurred under RSA Chapter 80 if

the City is required to exercise any rights or remedies to collect the payment, as if it was a tax, provided by law under RSA Chapter 80.

#### VI. AUDIT

Upon giving reasonable advance notice to BRHA, the City shall be entitled to inspect BRHA's accounts and records relating to the Project during normal business hours to verify the accuracy of the amount of the PILOT for the Contract Year under this Agreement, or to cause such accounts and records to be examined by independent certified accountants mutually agreed upon by the parties. The cost of any such audit when performed by independent certified accountants shall be borne (i) by BRHA if the PILOT calculated by the accountants exceeds that determined by BRHA, or (ii) 100% by the City if such audit shows that the PILOT as determined by BRHA was correct or overstated. The Parties hereby agree that, if such accountants mutually-agreed-upon determine that a different amount of PILOT was due, BRHA shall within sixty (60) days of receipt of the audit report pay the additional amount due or the City shall refund the excess amount collected, as the case may be. Interest shall accrue on any such additional amount due from BRHA as a PILOT at the rate of 4% over prime per annum, beginning on April 1st (the day following the date upon which the PILOT became due and payable) to the date of payment of the additional amount. The prime rate to be used shall be the prime rate on April 1st, the date upon which the PILOT became due and payable. The failure by BRHA to pay the additional amount due within sixty days shall result in an increase of the interest rate to 18%.

#### VII. MINIMUM ANNUAL PILOT

Notwithstanding its actual Gross Revenue and the formula set forth in Section II, BRHA shall make an annual PILOT to the City in the amount of \$110,000, except for the first contract year from April 1, 2013 through March 31, 2014, when the amount shall be \$86,000, as a

minimum payment due to the City, on or before March 31 in the manner described above in Section V. The Minimum Annual PILOT recognizes that the City must develop an annual budget based on reasonably-certain anticipated revenue and that, but for this Agreement, all real estate owned by BRHA would pay ad valorem taxes on an annual basis regardless of BRHA's actual Gross Revenue. If the formula set forth in Section II arrives at a PILOT greater than the Minimum Annual PILOT, only the amount calculated under Section II is due and payable for the applicable Contract Year. To the extent that cash receipts from the Contract Year are received after December 31st and the additional receipts result in a PILOT payment calculation greater than the \$110,000 minimum payment, BRHA shall make the excess payment to the City within thirty (30) days of collecting such revenue or before June 30; whichever date is sooner. If the formula set forth in Section II arrives at a PILOT less than or equal to the Minimum Annual PILOT, the minimum payment due shown in this paragraph shall be due instead.

#### VIII. MINIMUM FIVE YEAR PILOT

Notwithstanding the annual PILOT payments made to the City under the terms of this agreement, the collective sum of PILOT payments over the five year term of this agreement shall be no less than \$625,000 less the \$24,000 reduction for the first contract years' minimum payment from \$110,000 to \$86,000. If the collective sum of PILOT payments over the five year term of this agreement is less than \$601,000, BRHA shall make a one-time payment to the City no later than June 30, 2018 equal to the difference between \$601,000 and the collective sum of prior PILOT payments over the five year term of this agreement.

#### IX. CHANGES IN USE OF BRHA PROPERTY

In the event that any of the Projects currently owned by BRHA are no longer used to generate and sell electricity, this Agreement shall no longer apply to the specific Project as of the date of the change in use.

In the event that any portion of the real estate currently owned by BRHA at the Project sites is used or occupied, leased, transferred, or sold to a third party that is not engaged in generating and selling electricity at the Projects, this Agreement shall no longer apply to that portion of the real estate where a change in use has occurred.

In both cases, said real estate no longer used to generate and sell electricity at the specified Project shall be subject to ad valorem taxation as of the date of the change in use of the Project and taxes shall become due to the City for the remainder of the tax year on a proportional basis, based on the number of months then remaining in the tax year.

X. MISCELLANEOUS

a. This Agreement and the performance thereof shall be governed by, and construed in accordance with, the laws of the State of New Hampshire.

b. All notices, requests, demands, and other communications hereunder shall be in writing and shall be deemed to have been duly given when delivered in hand to such party or mailed by certified mail, postage prepaid, return receipt requested, addressed:

If to BRHA:

Briar Hydro Associates  
2 Commercial Street  
Boscawen, NH 03303  
Attn: Andrew Locke

With a copy to

Essex Hydro Associates, L.L.C.  
55 Union Street, 4<sup>th</sup> Floor  
Boston, MA 02108  
Attn: Andrew Locke

If to the City:

City of Concord  
Thomas J. Aspell, Jr.  
41 Green Street  
Concord, NH 03301

With a copy to:

Kathryn H. Temchack  
Director of Real Estate Assessments  
41 Green Street  
Concord, NH 03301

- c. The Section headings herein are for reference and convenience only and shall not affect the interpretation hereof.
- d. This Agreement may be executed in any number of counterparts, each of which when so executed shall be an original, but all of the counterparts together shall constitute one and the same instrument.
- e. If any terms of this Agreement or the application thereof to any person or circumstances shall, to any extent, be invalid, or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- f. The City represents and warrants that it has all the requisite statutory power and authority to enter into this Agreement.
- g. The signatories hereto represent and warrant that they have all requisite power and authority to bind the respective Parties to the terms of this Agreement.
- h. This Agreement shall be freely assignable.
- i. This Agreement may be extended at the mutual consent of the parties, as permitted by New Hampshire State Law. However, neither party shall be obligated to renew or extend this Agreement upon its termination.
- j. In any action brought to enforce the terms of this Agreement, the substantially prevailing party shall be entitled to recover all reasonable costs and expenses, including attorneys' fees, from the non-prevailing party.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed  
as of the day and year first written above.

BRIAR HYDRO ASSOCIATES

By: Essex Hydro Associates, L.L.C.  
A General Partner

---

Andrew Locke  
Vice President

CITY OF CONCORD

By: Thomas J. Aspell, Jr.  
City Manager as Authorized  
By the Concord City Council

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Thomas J. Aspell, Jr.  
City Manager



# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION      ACCEPTING AND APPROPRIATING TWELVE THOUSAND TWO HUNDRED DOLLARS (\$12,200) FROM THE NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM FOR THE CONDUCT AND PREPARATION OF A STUDY OF THE HISTORIC CARRIAGE HOUSES AND URBAN BARN WITHIN THE CITY OF CONCORD'S WEST END NEIGHBORHOOD.**

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** on April 8, 2013, the City Council passed a resolution authorizing the City Manager to apply for funds from the New Hampshire Division of Historical Resources Certified Local Government Program for funds for the preparation of a study of historic carriage houses and urban barns within the West End neighborhood; and

**WHEREAS,** the City has been notified by the NHDHR that its application to receive grant funding for the study of the carriage houses and urban barns has been approved; and

**WHEREAS,** although the City is not required to provide matching funds for this Certified Local Government grant, there is a requirement to provide an accounting for in-kind time and other City expenses incurrent in the administration of the grant; and

**WHEREAS,** CIP #506, Historical Surveys, in the City's Capital Improvement Program, allows the future use of such grants requiring no local match to fund historical and archeological resources surveys, and includes the amount of \$35,000 for a grant in FY 2014; and

**WHEREAS,** this appropriation is for a purpose not included in the FY2014 adopted budget, therefore, Section 37 of the City Charter requires a two-thirds vote of the City Council.

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION      ACCEPTING AND APPROPRIATING TWELVE THOUSAND TWO HUNDRED DOLLARS (\$12,200) FROM THE NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM FOR THE CONDUCT AND PREPARATION OF A STUDY OF THE HISTORIC CARRIAGE HOUSES AND URBAN BARN WITHIN THE CITY OF CONCORD'S WEST END NEIGHBORHOOD.**

Page 2 of 2

***NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:***

1. The sum of .....\$12,200  
be and is hereby appropriated as follows:

Community Development Planning Department

Capital Projects General Fund

Professional Services (CIP# 506) .....\$12,200

2. Revenue for this project is available as follows:

Community Development Planning Department

Capital Projects General Fund

New Hampshire Division of Historical Resources CLG Grant .....\$12,200

3. The City Manager is authorized to execute agreements with the New Hampshire Division of Historical Resources to execute the program.
4. These funds shall be expended under the direction of the City Manager.
5. This resolution takes effect upon its passage.



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Gloria McPherson, City Planner

**DATE:** July 24, 2013

**SUBJECT:** Resolution authorizing the City Council to accept and appropriate funds totaling \$12,200.00 from the New Hampshire Division of Historical Resources Certified Local Government (CLG) Program for the conduct and preparation of a study of the historic carriage houses and urban barns within the West End neighborhood.

### Recommendation

Adopt the proposed resolution to accept and appropriate funds totaling \$12,200.00 from the New Hampshire Division of Historical Resources Certified Local Government (CLG) Program for the conduct and preparation of a study of the historic carriage houses and urban barns within the West End neighborhood.

### Background

Over the past decade, the City has obtained CLG grants to identify and document a wide range of historical resources within the community including resources in Downtown Concord, and in Penacook, as well as the City's historic agricultural resources and historic schools.

At its April 8, 2013 meeting, the City Council granted approval to apply for the above referenced grant to survey and study the historic carriage houses and urban barns in the West End neighborhood.

The formal award of the CLG grant from the New Hampshire Division of Historical Resources in the amount of \$12,200.00 was received on June 6<sup>th</sup>.

### Discussion

The Planning Division and Heritage Commission are very excited about the grant and are looking forward to working with a consultant. The study area that was selected is a pilot study area that will serve as an excellent model going forward, with the work produced providing a prototype for future surveys of carriage houses and urban barns in other neighborhoods within the City of Concord during additional grant rounds, or perhaps through volunteer surveys.

There is no local cash match required for this grant, although in-kind contributions for administering the grant will be accounted for.



# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-6, Miscellaneous Rules, Section 17-6-7, Truck Routes in the City of Concord.

## **The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-6, Miscellaneous Rules, Section 17-6-7, Truck Routes in the City of Concord, Paragraph (b) only, as follows:

### **17-6-7 Truck Routes in the City of Concord.**

(b) *Application of Regulation.* All trucks within the City shall be operated only over and along the truck routes herein established and on the other designated streets over which truck travel is permitted.

(1) Exceptions. This section shall not prohibit:

- a. *Operation on Street of Destination.* The operation of trucks upon any street where necessary to the conduct of business at a destination point ***within the City is permitted***, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
- b. *Emergency Vehicles.* The operation of emergency vehicles upon any street in the City.
- c. *Public Utilities.* The operation of trucks owned or operated by the City, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the City.
- d. *Detoured Trucks.* The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

**SECTION II:** This ordinance shall take effect upon its passage.

Explanation: Matter added to current ordinance appears in ***bold italics***.

Matter removed from current ordinance appears [~~in brackets and struckthrough.~~]





# CITY OF CONCORD

12A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Danielle L. Pacik, Deputy City Solicitor DP  
**DATE:** August 1, 2013  
**SUBJECT:** Ordinance Relating to Truck Routes in the City of Concord

### Recommendation

Accept this report and set the attached ordinance for public hearing.

### Background

In 1979, the City first adopted a truck route ordinance which establishes truck routes and other designated roads upon which trucks are permitted to travel. Code of Ordinances, Article 17-6-7. A "truck" is currently defined as a motor vehicle greater than 18,000 pounds gross vehicle weight, designed or constructed for the transportation of freight or merchandise or any other motor vehicle equipped with other than pneumatic tires. Code of Ordinances, Article 17-6-7(a). The purpose of the ordinance is to limit the streets upon which "through trucking" in the City is allowed.

The City is currently involved in litigation which was brought by Copart of Connecticut, Inc. ("Copart"), a corporation which recently purchased a vehicle storage facility located at 111 Deer Meadow Road in Webster, New Hampshire. Copart asserts in the lawsuit that the City is not permitted to restrict trucks travelling to Copart's facility in the Town of Webster from utilizing a route which travels on Bog Road, Horse Hill Road and Blackwater Road ("Bog Road Route"). Those streets are located within the City of Concord, and in accordance with the Code of Ordinances, Article 17-6-7, truck travel by vehicles greater than 18,000 pounds is restricted on those streets.

The City has received complaints from residents about trucks using the Bog Road Route, as the roads are primarily located in residential neighborhoods. The use of the Bog Road Route is also concerning because the streets have not been constructed in a manner to withstand regular truck traffic. For example, Bog Road is located along a swampy bog, and the street was constructed as a corduroy road. A corduroy road is a road with sections built of logs laid side by side transversely, and it is used in low or swampy places to prevent sinking into a bog or swamp. These types of roads are not stable for regular truck traffic. Bog Road would require significant upgrades in order to accommodate regular truck traffic, and without those upgrades, there would

be a premature deterioration of the street. In addition to being restricted for through truck traffic, the streets on the Bog Road Route are also subject to seasonal weight restrictions. The City of Concord's Police Department has taken enforcement action to prevent trucks from illegally using the Bog Road Route.

Copart has argued in its lawsuit that it should be entitled to use the Bog Road Route based on the following exception which is set forth in the Code of Ordinances, which states in relevant part as follows:

- (b) *Application of Regulation.* All trucks within the City shall be operated only over and along the truck routes herein established and on other designated streets over which truck travel is permitted.
- (1) *Exceptions.* This section shall not prohibit:
  - a. *Operation on Street of Destination.* The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.

Despite Copart's arguments, the foregoing exception has never been interpreted or applied by the City's General Services Department, Engineering Services Division and/or the Police Department to allow trucks to use streets posted with "no trucking" signs in order to reach a destination point located on a different street in another municipality. Rather, the ordinance has been consistently interpreted to only allow trucks to operate on streets posted with "no trucking" signs when it is necessary for the truck to access a business or residence located on one of the streets within the City of Concord.

### **Discussion**

The attached amendment clarifies the ordinance, to the extent an ambiguity exists, to make it clear that trucks are only allowed to operate on streets posted with "no trucking" signs when it is necessary for the truck to travel on the street in order to access a business or residence on a street which is located within the City.

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-8, Parking Time Limited in Designated Places, Schedule III.

**The City of Concord ordains as follows:**

**SECTION I:** Amend the Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-8, Parking Time Limited in Designated Places, Schedule III, by deleting the following:

**One Hour (Between the Hours of 7:00 a.m. and 6:00 p.m. Monday through Friday)**

Street	Side Restricted	From	To
Charles St., Penacook	North	62' West of Village St., Penacook	Tanner St., Penacook

**SECTION II:** This ordinance shall take effect upon its passage.





# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Parking Committee  
David Florence, Parking Manager

**DATE:** July 30, 2013

**SUBJECT:** Request to eliminate time limits on Charles Street in Penacook

### Recommendation

Review and accept this report and set for public hearing

### Background

The Parking Committee reviewed a request from Mr. John Rhodebeck, a Penacook resident at 14 Charles Street, requesting elimination of the 1-hour parking time limit on Charles Street or consideration of residential parking permits for Charles Street residents.

### Discussion

The Parking Committee at its July 15<sup>th</sup>, 2013 meeting discussed Mr. Rhodebeck's request to remove the 1 hour time limit from Charles Street (Village Street to Tanner Street both sides) and that in the event future growth presented a parking challenge and it needed to be re-introduced that a residential permit program be instituted. Mr. Rhodebeck indicated that it was rare for any vehicle to be parked on Charles Street in the limits of the 1 hour zone (Village Street to Tanner Street) and if any vehicle parked in this area it generally was a resident.

The Parking Committee voted unanimously to remove the 1 hour ordinance and allow all day parking.



13A



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**DATE:** July 31, 2013  
**FROM:** Thomas J. Aspell, Jr., City Manager  
**SUBJECT:** Citizen Comments

### Recommendation:

Recommend City Council accept this report.

### Background:

Attached for your information are citizen comments received during the past month.

/ss

Attachments



**From:** Hilltopconsignmentgallery <[hilltopconsignmentgallery@comcast.net](mailto:hilltopconsignmentgallery@comcast.net)>

**Date:** July 23, 2013 10:36:05 PM EDT

**To:** [jpbouley@comcast.net](mailto:jpbouley@comcast.net)

**Subject:** Market Days

Dear Mayor Bouley:

On Friday evening, a storm whipped through Concord's downtown destroying many tents set up for Market Days and turned this popular festival into a disaster area. I would like to thank the Concord Police for their quick response to this event and the many volunteers and staff from InTown Concord who worked tirelessly throughout the night picking up debris and physically moving tents back into position as well as piling up the tents that were too damaged to be used again. By the time, I arrived at 6:45 a.m. much of the debris had been moved, but there was still so much to be done. Through the perseverance of these volunteers and the vendors, we were able to open on time for the last day of this popular event.

Again, late Saturday, another gust of wind came through downtown and the same staff and volunteers from InTown along with shoppers at the event, helped us to hold down tents that were in jeopardy of blowing away once again. I would like to extend my gratitude to InTown Concord, the many volunteers, the Concord Police and the community for stepping up to help keep Market Days alive for yet another year. It is a pleasure to be part of such a great community.

Sincerely,

Paula Genovese  
Hilltop Consignment Gallery, LLC  
56 North Main Street  
Concord, NH 03301  
603-856-0110

**City of Concord – Collections Department  
Customer Comment Cards Survey**

Results based on total comment cards received for July 2013

**I received services related (circle all that apply):** Total comment cards completed:

Motor Vehicle	Property Taxes	Utility Payments	Misc. Billing
(2)	(0)	(0)	(0)

<b>Our staff was:</b>	courteous	knowledgeable	professional
	(2)	(1)	(1)

Other: Very helpful and friendly.

<b>Our service was:</b>	courteous	knowledgeable	professional
	(2)	(2)	(2)

Other: Quick.

**Comments and suggestions:**

- Ladies were very efficient, friendly, and fast.



*City of Concord, New Hampshire*  
**CONCORD PUBLIC LIBRARY**

45 GREEN STREET • 03301-4257

8-22

HA

PATRICIA A. IMMEN  
LIBRARY DIRECTOR  
603-225-8670

**TO:** Honorable Mayor and City Council  
**FROM:** Patricia A. Immen, Library Director  
**RE:** Authorization to Accept Monetary Gifts Totaling **\$2,126.30** as  
Provided for Under the Preauthorization Granted by City Council  
**DATE:** July 29, 2013

**Recommendation**

It is recommended that City Council approve the acceptance and expenditure of the gifts to the Concord Public Library cited below for the purpose indicated:

Donor	Amount	Purpose
Concord Public Library Patrons	\$570.00	Fees paid by patrons to replace lost and damaged library materials from 06/25/2013 through 07/26/2013
Concord Library Book Sale	\$1,486.30	Revenue from sale of used and donated books, audio materials and videos from 06/25/2013 through 07/26/2013
Concord Education Association	\$120.00	New Hampshire History Museum passes
Gail M. Painchaud,	-\$50.00	Duplicate reporting on December 2012 and January 2013 Diminimis reports.
<b>TOTAL</b>	<b>\$2,126.30</b>	

**Background**

1. Funds are requested to be expended under the authority established pursuant to Resolution #8120, adopted December 10, 2007.
2. The purpose of the gifts listed above is consistent with, and presents no conflict or obstacle to, the accomplishment of City Council goals, the Code of Ordinances, or the operating functions of the Concord Public Library.
3. No City match is required.
4. Funds have been received by the City of Concord, except as noted.
5. A letter of thanks on behalf of the City Council and the citizens of the City of Concord has been sent to donors listed above.

**Discussion**

Upon the City Council's approval of this report the materials indicated above will be ordered and placed in the Library's collection.

Cc: City Manager  
Deputy City Manager for Finance  
Controller  
City Clerk





# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**To:** Honorable Mayor and City Council  
**From:** Jacqueline Whatmough  
**Re:** Authorization to expend the donation of \$600 from the South Congregational Relief Society as provided for under the pre-authorization granted by City Council and the \$100 donation from an anonymous donor.  
**Date:** 07/19/13

### Recommendation

It is recommended that City Council approve the acceptance and expenditure of the above cited monetary donation from the South Congregational Relief Society and the \$100 donation from an anonymous donor.

### Background

Funds are requested to be expended under the authority established pursuant to resolution number 8120 adopted December 10, 2007

The purpose of this gift, donation or grant as stated above are a condition of the grantor or benefactor and is consistent with and presents no conflict or obstacle to the accomplishment of city council goals, the code of ordinances or the operating functions of the department.

A copy of this communication has been sent to the grantor or benefactor for their information and with the thanks of the City Council and the citizens of the City of Concord.

### Discussion

The South Congregational Relief Society has been providing this department for many years with a donation to purchase local bus tickets to help low income residents without transportation. We give them to people who need to get to appointments here or to other agencies, to medical appointments or to work. It also helps people with work search. We very much appreciate this donation and the great support of the South Congregational Relief Society.

We also very much appreciate the \$100 donation from our donor who wishes to remain anonymous. We will use this donation to restock our pantry with non-hygiene items, always a need in this department. This is a generous donation and the timing is perfect as we are very low on non-food items in our pantry.

**Cc:** City Manager  
City Clerk  
City Controller  
South Congregational Relief Society  
Anonymous Donor





# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**TO:** Honorable Mayor and Members of the City Council

**FROM:** David Gill, Park and Recreation Director

**RE:** Authorization to accept monetary donations in the amount of \$19,714.40

**DATE:** August 1, 2013

### Recommendation

It is recommended that City Council approve the acceptance and expenditure of the gifts to the City of Concord cited below for the purpose indicated:

Donor	Amount	Purpose	G/L Account
Veb Donations	\$25.00	July 4 Donation	GRTRECMISC 2910 July 4
Gate Donations	\$887.70	July 4 <sup>th</sup> Donation	GRTRECMISC 2910 July 4
Kona Ice	\$428	July 4th Donation	GRTRECMISC 2910 July 4
Vendor Fees	\$364	July 4th Donation	GRTRECMISC 2910 July 4
Black ICE	\$17,500	Black Ice Hockey Tournament	GRTRECMISC 2910 Black Ice
Demoulas Super Market	\$500	July 4th Donation	GRTRECMISC 2910 July 4
Deb and Tom Cheever	\$10	July 4th Donation	GRTRECMISC 2910 July 4

### Background

1. The purpose of the gifts listed above is consistent with, and presents no conflict or obstacle to, the accomplishment of City Council goals, the Code of Ordinances, or the operating functions of the Parks and Recreation Department.
2. A letter of thanks on behalf of the City Council and the citizens of the City of Concord have been sent to donors listed above.

### Discussion

With these donations the City of Concord Parks and Recreation Department will be able to continue offering high quality special events to the community. Without these donations and sponsorships these events would not be possible.





# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Gloria McPherson, City Planner

**DATE:** July 18, 2013

**SUBJECT:** Request by Attorney Richard Uchida, on behalf of The Grappone Companies, to rezone a portion of property located at 94 Manchester Street.

### Background

At its March 11, 2013 meeting, the City Council referred the above rezoning request to the Planning Board.

### Discussion

Since the time of the referral, The Grappone Companies has performed its due diligence on the property and decided against purchasing it. They are therefore requesting to withdraw, without prejudice, the rezoning request at this time.

A letter from Attorney Uchida requesting the withdrawal of the rezoning request is attached to this report.



RECEIVED

JUN 27 2013

Planning Division  
Concord, NH

11 South Main Street, Suite 400  
Concord, NH 03301-4846  
p: 603-225-4334 f: 603-224-8350  
hinckleyallen.com

**Richard Y. Uchida**  
[ruchida@hinckleyallen.com](mailto:ruchida@hinckleyallen.com)  
(603) 545-6168

June 26, 2013

*Via email and U.S. Mail*

Gloria McPherson, Planning Director  
City of Concord Planning Division  
41 Green Street  
Concord, NH 03301

**RE: Rezoning Request/94 Manchester Street Parcel**

Dear Ms. McPherson:

As you know, on February 20, 2013 I wrote to the Concord City Council on behalf of The Grappone Companies requesting a rezoning of a portion of a property located at 94 Manchester Street. That request was referred to the Planning Division pursuant to an action by the City Council on March 11, 2013.

Please be advised that The Grappone Companies has instructed me to withdraw the rezoning request. We would appreciate it if no further action would be taken on this request. The withdrawal to the rezoning request is without prejudice to a request for a possible rezoning of the parcel in the future.

Thank you for your time and consideration.

Sincerely,



Richard Y. Uchida

RYU/dj

cc: Larry Haynes, Chief Operating Officer, The Grappone Companies  
Carlos Baia, Deputy City Manager for Development  
#51676101

► ALBANY ► BOSTON ► CONCORD ► HARTFORD ► NEW YORK ► PROVIDENCE

HINCKLEY, ALLEN & SNYDER LLP, ATTORNEYS AT LAW



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** James Kennedy, City Solicitor

**DATE:** August 2, 2013

**SUBJECT:** Report to Council - March 2013 – Hockey on White Park Pond

### Background

On January 14, 2013, the City Council sent a referral slip to the Recreation Department and Legal Department relative to an inquiry from Robert Baker regarding Hockey on White Park Pond.

### Recommendation

Accept this report.

In accordance with City Ordinance Article 6-1, the Recreation Director has the authority to create rules and regulations. The Director has created a rule which prohibits hockey on White Park Pond. The Director defines hockey as any person using a hockey stick and puck on White Pond. Hockey may be authorized on White Pond through the issuance of a properly executed permit. The City enforces the no hockey rule on White Pond through the posting of several signs at White Pond and through other personnel resources as they are available.

cc: David Gill, Director of Parks & Recreation





# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** James Kennedy, City Solicitor  
**DATE:** July 17, 2013  
**SUBJECT:** Buffer Zone Ordinance

### Recommendation

This report is in response to an April 19, 2013 signed petition requesting that the City enact a 35 foot buffer zone ordinance which would prohibit protestors within 35 feet of any person entering or exiting the Feminist Health Center on Main Street. As you may be aware, several persons and entities have expressed opinions in favor and against the enactment of such a buffer zone ordinance.

Currently, the United States Supreme Court is reviewing the constitutionality of a Massachusetts statute which generally prohibits protestors within 35 feet of entering or exiting an abortion clinic. The United States Supreme Court is expected to rule on this matter next summer. Due to the pending Massachusetts buffer zone case at the United States Supreme Court, I recommend holding any enactment of a buffer zone ordinance in abeyance until after the Supreme Court issues a decision.

### Discussion

By way of further information, the City of Concord currently regulates the interference with health care facilities in the City of Concord's Code of Ordinances, Article 4-9, Interference With The Normal Operations of A Health Care Facility. This ordinance prevents the obstruction or blocking of another person's access to or egress from a health care facility in a manner that deprives or delays the other person from obtaining or providing health care services in the facility. Upon an order of dispersal issued by the police, each member of the assembly must immediately disperse the area, and may not congregate within fifty (50) feet of the health care facility at any time prior to 8:00 a.m. on the next day.

The request for a "buffer zone" ordinance would increase the protections for individuals accessing health care facilities by preventing protests within a 35-foot fixed area around the driveways, entrances, and exits of reproductive health clinics in Concord. Other towns and cities

throughout New Hampshire, including, Greenland, Manchester, Exeter, and Derry have health service centers like the one located here in Concord. Currently, no other town or city has a buffer zone ordinance.

To the extent that such a "buffer zone" ordinance is constitutional or necessary, it may be appropriate for the State of New Hampshire to explore the enactment of such legislation, as a state law could create a buffer zone for all feminist health centers in the state. By way of example, the State has previously enacted a buffer zone statute which applies to all election polling centers throughout the state, providing voters a zone of entry into all polling places in the State.

Additionally, to the extent that there are any imminent safety concerns associated with protestors at the Concord Feminist Health Center, the Chief of Police has advised that the existing ordinance and other laws may be applied to address such concerns.

8-28

120



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Earle M. Chesley, P.E., General Services Director

**DATE:** June 26, 2013

**SUBJECT:** Communication from Mr. Herbert F. Leisy, Jr.  
Old Loudon Road

### Recommendation

Accept this report for information purposes

### Background

The City received correspondence from Mr. Herbert Leisy, 12 Pine Acres Road, raising concerns regarding litter along Old Loudon Road.

### Discussion

Having received inquiries from several Concord residents who wished to volunteer to collect litter along local roads and City parks, the General Services Department initiated a volunteer program where the City would provide blue plastic bags to residents to collect litter and place along the street or in the park for subsequent collection by the City's solid waste collection contractor.

The results of the pilot program were discussed at the Solid Waste Advisory Committee at their meeting on June 18, 2013. Mr. Leisy's recent correspondence was also shared with the committee. The committee recommended staff to proceed with implementing the program.

Cc Michael Santa, Code Administrator  
Pat Winn, Solid Waste Programs Coordinator



8-29

TAA



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Earle M. Chesley, P.E., General Services Director

**DATE:** August 1, 2013

**SUBJECT:** FY 2013 Semi-Annual Report on Contracted Solid Waste and Recycling Services

### Recommendation

Accept this report regarding the performance of the City's solid waste and recycling collection vendor for the period of January 1, 2013 through June 30, 2013. This report was prepared using data collected through the Citizen Request Tracker tool available on the City's new web site. Subsequent semi-annual reports will include data collected through the same system and will include a comparison of the previous six month period.

### Background

This is the semi-annual report to the Mayor and City Council regarding the level of service provided by Casella / Bestway Disposal Services performing our solid waste and recycle collection programs.

This report is unique for two reasons. First, this report reflects a change in the ownership of the City's solid waste vendor from Bestway to Casella. The second change relates to the increased level of reporting provided to residents by means of the new City website. In February, the City rolled out an updated website that allowed residents to report a concern such as a missed trash or recycling pick-up, problems with containers, or illegal dumping, through the City's website using a tool called the Citizen Request Tracker. The change to this report is that the service metrics are aligned with the categories from which residents can select in the Citizen Request Tracker. Future reports will contain a comparison to the previous six month period utilizing the new metrics that are used with the Citizen Request Tracker system. The Department continues to track requests for service on a daily basis.

**Discussion****Municipal Solid Waste and Recycling Collection**

This report covers the period from February 14, 2013 to June 30, 2013. There were 173 requests for service in 96 collection days. Detailed entries in the customer service database for this period are available upon request.

The calls are summarized as follows:

<b>Request for Service Categories</b>	<b>New requests this reporting period</b>	<b>Closed requests this reporting period</b>	<b>Average Requests Received Per Day</b>	<b>Average Requests Closed Per Day</b>
<b>Dumpster(s)</b>	<b>6</b>	<b>5</b>	<b>.044</b>	<b>.036</b>
<b>Illegal Dumping</b>	<b>46</b>	<b>44</b>	<b>.336</b>	<b>.321</b>
<b>Recycling</b>	<b>60</b>	<b>59</b>	<b>.438</b>	<b>.431</b>
<b>Spring Yard Waste</b>	<b>17</b>	<b>16</b>	<b>.124</b>	<b>.117</b>
<b>Trash</b>	<b>41</b>	<b>41</b>	<b>.299</b>	<b>.299</b>
<b>Other</b>	<b>3</b>	<b>3</b>	<b>.022</b>	<b>.022</b>
<b>Totals</b>	<b>173</b>	<b>168</b>	<b>1.263*</b>	<b>1.226*</b>

\* Includes weekends and holidays

Cc: Jeff Hoadley, Business Manager

8-30

12/11



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Earle M. Chesley, P.E., General Services Director

**DATE:** July 24, 2013

**SUBJECT:** e-Billing Available for City Water and Sewer Utility Customers

### Recommendation

Accept this report for information purposes

### Background

The City has been following enabling legislation (Senate Bill 111) that will allow municipalities to issue bills and notices, for municipal electric, gas, or water systems and liens and collection of charges, electronically if requested by a customer. Senate Bill 111 has been signed by the Governor and will take effect on August 23, 2013.

General Services will provide this service to customers effective their September bill.

### Discussion

This bill allows the City to provide bills and notices electronically if requested by a customer. There is no charge for delivery of bills or notices by electronic means and there is no penalty for not choosing to elect delivery by electronic means. Any request for electronic delivery of bills or notices will contain the physical signature of the customer or an electronic signature. In the event, General Services Department has any reason to believe that bills or notices sent by electronic means have failed to be delivered, the department shall promptly send a duplicate of the bills or notices to the customer by first class mail. A duplicate bill or notice mailed in compliance with this requirement will be at no cost to the customer. Second and subsequent notices of payments due, or notices of delinquency, shall be sent by first class mail. Sending a bill electronically does not change the last date that bills may be paid without penalty.

This service provided by the City is intended to be customer friendly, to save money, and to take advantage of new technologies. The utilities billing office has successfully tested the electronic delivery system with select water / sewer utility customers. Upon acceptance of this report, the General Services Department will advise customers of this service through the City's website and on the customer's bill.

Cc Katie Graff, Assistant Finance Director  
 Jeffrey Hoadley, Business Manager  
 Michael Jache, Treasurer





# CITY OF CONCORD

12A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Brian G. LeBrun, Deputy City Manager Finance  
**CC:** Thomas J. Aspell, Jr., City Manager  
**DATE:** July 10, 2013  
**SUBJECT:** CIP #283 Traffic Signals and Traffic Operations Improvements

### Recommendation

To accept this report and approve the funding source change as recommended.

### Background

During the FY14 CIP budget development, many different sources of revenues are utilized to support many different projects. CIP #283, Traffic Signals and Traffic Operations Improvements listed three sources of revenue; General Highway Reserve (\$70,000), General Impact Fees Rec Dist 4 (\$12,500) and General Impact Fees Traf Dist 3 (\$12,500). The amount listed for General Impact Fees Rec Dist 4 should have been identified as General Impact Fees Traf Dist 4.

### Discussion

This Report to Council serves as correcting the revenue source description to change the amount of \$12,500 listed as a revenue source from General Impact Fees *Rec* Dist 4 to General Impact Fees *Traf* Dist 4. There is no impact on the actual amount appropriated only the clarification of the funding source. A copy of the revised CIP pages reflecting this change will be distributed to all parties that received an actual budget book and the City's website will also be changed.





# CITY OF CONCORD

TAA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Brian LeBrun - Deputy City Manager Finance  
Katie Graff - Assistant Finance Director

**DATE:** July 22, 2013

**SUBJECT:** Comprehensive Annual Financial Report Award

### Recommendation

Accept this report announcing the receipt of the Certificate of Achievement for Excellence in Financial Reporting to the City of Concord's Finance Department for their preparation of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012.

### Background

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Concord by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award winning CAFR. This has been presented to:

Finance Department, City of Concord - The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL and Washington, D.C.

### Discussion

The finance department continually strives to maintain the highest level of quality in its preparation of financial reports. This award reflects all the hard work and dedication of the City of Concord's Finance Department's staff.





# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Robert J. Mack, PE, PTOE, Traffic Engineer

**DATE:** July 30, 2013

**SUBJECT:** Report from the Traffic Operations Committee in response to a petition requesting the installation of a four-way stop intersection at the intersection of Thorndike and South State Streets as well as a request that additional improvements in that area be considered.

### Recommendation

Accept this report.

### Background

On April 29, 2013, residents near the corner of the S. State/Thorndike intersection submitted a communication along with a petition signed by 16 individuals to City Council requesting the installation of a four-way STOP at the intersection as well as consideration of additional traffic control and parking changes to slow and/or limit traffic using the intersection. At issue was a concern for intersection safety following several motor-vehicle crashes that occurred there with injuries early this spring. City Council referred this request to both the Traffic Operations Committee (TOC) and the Parking Committee on May 13, 2013. Engineering Services conducted an engineering assessment of the intersection and coordinated with General Services regarding implementation of several traffic control enhancements. TOC considered this request at its June 18, 2013 meeting and the Parking Committee considered same at its July 15, 2013 meeting.

### Discussion

At issue is a concern for intersection safety and a request to consider traffic control changes pursuant to several motor-vehicle crashes that occurred there early this spring. Requested are consideration of: installation of multi-way STOP to also stop all cars on S. State Street; prohibition of parking near the intersection to improve sight lines to traffic crossing from Thorndike Street; consideration of making Thorndike Street one-way to reduce traffic turning at the intersection; relocation of utility poles on Thorndike Street near the intersection; and consideration of constructing an intersection speed table to slow traffic.

Through the month of May, four crashes had been reported at the intersection in 2013. This is atypical of recent crash history as there had only been one reported crash at this

intersection for each of the previous three years since 2010. Such variability in crash numbers from year to year is not uncommon at intersections city-wide. A review of the seven crashes reported here since January 2010 indicate Thorndike Street vehicles colliding with S. State Street vehicles by either not stopping at the STOP sign or stopping first but not then yielding to traffic approaching from S. State Street. The predominant crash pattern (five of the seven crashes) involves westbound Thorndike Street vehicle movements approaching westbound from S. Main Street. Four of the seven crashes at the intersection involved injuries, all of which were attributed to westbound Thorndike vehicles. Considering the last three and a half years, the seven reported crashes reflect a rate of about two crashes per year, which in comparison to similar intersections city-wide, is not indicative of a high-crash history. However, the four crashes that occurred this spring are notable and justify additional investigation.

Engineering services conducted an engineering assessment of the intersection including traffic operation, volume and speed counts, and review of crash history and potential causative factors. The intersection is currently controlled by STOP signs on the two Thorndike Street approaches, with S. State Street having the right-of-way. S. State Street is classified as a minor collector street, and similar side-street traffic control occurs along its length except at traffic signal intersections. Traffic counts conducted for a two-day period in May indicate average vehicle speeds along this section of S. State Street to be 22-23 mph and 85th percentile speeds to be 25-28 mph. With a posted speed limit of 30 mph, these measured traffic speeds appear appropriate. Over 5,000 vehicles per day approach the intersection on S. State Street, while daily traffic approaching on Thorndike Street is about 1,300 vehicles from the east (from S. Main Street) and about 450 vehicles from the residential area to the west. In the vicinity of the intersection, there is no parking along the east side of S. State Street resulting in unobstructed sight lines for Thorndike Street vehicles turning from the east. On-street parking is available along the west side of S. State Street except within about 30 feet of the intersection, a condition typical at many downtown-area intersections.

Staff examined the intersection with particular regard to crash history related to westbound Thorndike Street vehicles. Intersection traffic control devices were appropriately located, sight lines for westbound vehicles were adequate, and there were ample gaps in peak period traffic on S. State Street for turning movements to/from Thorndike Street. The visual identity of the intersection for westbound drivers approaching from several hundred feet in advance, however, appeared to be potentially affected by the 'canyon effect' of building faces looking westbound along Thorndike Street as well as a slight dip in Thorndike Street pavement alignment as it crosses S. State Street. A westbound driver, particularly if distracted (talking, cell phone use, etc), might not fully react to the intersection STOP condition. This was reportedly the case in at least one of this year's crashes when the Thorndike Street driver acknowledged being distracted during a conversation and did not react to the STOP condition. As an initial measure to enhance advance identity of the intersection for westbound traffic approaching from Main Street, General Services replaced the existing STOP sign with a new highly-reflective panel and trimmed nearby vegetation further back. Stop lines and crosswalks, faded from the winter months, were also recently repainted. Staff will continue to monitor traffic operation at the intersection to ascertain the effectiveness of this enhancement. Consideration of additional advance signage or pavement markings is a future option if deemed appropriate.

While the traffic control measures suggested in the residents' referral are well intended, TOC concurs with staff findings that such measures are either inappropriate at this location or potentially ineffective in mitigating the predominant crash pattern at the intersection. Regarding the potential for multi-way STOP, traffic volumes at the intersection are insufficient to meet the Federal thresholds for such traffic control. Furthermore, the intent of the City's STOP sign policy is to minimize the use of STOP signs along collector and arterial streets. Regarding the potential use of an intersection speed table, the City's Traffic Management Policy does not support use of vertical deflection for traffic calming along the collector/arterial street network. It is further noted that measured traffic speeds along S. State Street are substantially lower than the posted 30 mph speed limit and are not indicative of a speeding problem. Existing parking along the west side of S. State Street is appropriately set back about 30 feet from the intersection per city Ordinance and typical of many intersections in the downtown area. Further setback of these parking areas, while a convenience for eastbound Thorndike Street traffic, would not significantly affect the westbound crash potential. The option of converting Thorndike Street to one-way eastbound (from S. State Street to Main Street) would certainly act to reduce crashes by removing the westbound traffic approach from the intersection. This would, however, substantially complicate access to St. John the Evangelist Church by requiring all traffic to approach the church from S. State Street and depart via Main Street. In addition, this one-way eastbound conversion would only serve to relocate the Thorndike Street westbound traffic movement to another nearby intersection such as Concord or Thompson Street. Converting Thorndike Street to one-way westbound does not alone act to mitigate the predominant crash concern, although TOC has considered the merits of such a conversion in the past, coupled with alternating one-ways on parallel streets to the north. Lastly, potential relocation of the utility pole on the southeast corner (church corner) of the intersection, although functionally desirable, would be complicated due to limited right-of-way. In any event, the subject utility pole does not appear contributory to crash history.

TOC considered this item at its June 18, 2013 meeting and concurred that the recent signing and marking improvements on the westbound Thorndike Street approach were an appropriate and reasonable safety enhancement in response to recent intersection crash history. Staff will continue to monitor traffic operation and safety at the intersection to ascertain the effectiveness of the measures. At its July 15, 2013 meeting, the Parking Committee concurred with TOC's findings and course of action, and recommended denial of the request to remove on-street parking.

cc: Traffic Operations Committee  
Parking Committee  
John Duval, Police Chief  
Carlos Baía, Deputy City Manager – Development





# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Robert J. Mack, PE, PTOE, Traffic Engineer

**DATE:** July 29, 2013

**SUBJECT:** Report from the Traffic Operations Committee in response to a referral from City Council regarding a communication from Judi King requesting a speed zone sign on Church Street between North State Street and Bouton Street.

### Recommendation

Accept this report.

### Background

On June 19, 2013, Judi King, a resident on Church Street, submitted a communication to City Council requesting consideration of installing a speed zone sign along the section of Church Street between N. State Street and Bouton Street. At issue was a concern on excessive traffic speed. City Council referred this request to the Traffic Operations Committee (TOC) on July 8, 2013. Engineering Services followed up by investigating traffic speeds and bringing the issue to TOC for consideration at its July 16, 2013 meeting.

### Discussion

The subject segment of Church Street is approximately 370 feet long. The former Walker School fronts the north side of the street and several residential and business parcels are along the south side. The street is posted for 25 mph. Traffic enters this street segment from either a stop condition or a low-speed turn from either Bouton or N. State Street, and must again come to a stop condition before exiting the segment at either of these same intersecting streets.

Engineering Services conducted traffic volume and speed counts on this segment of Church Street for a 48-hour weekday period between July 15 and 17, 2013. The data recorder was located near #5, or about midway between Bouton Street and N. State Street where the highest traffic speeds would be expected. Average recorded speeds were 14 to 18 mph and 85th percentile speeds were 19 to 23 mph, with the higher of the speeds measured in the eastbound direction. Of the 1414 vehicles measured over the two-day count period, 11 (0.8%) were travelling in the highest recorded speed range of 31-35 mph. Staff also observed traffic flow on this segment during the afternoon commuter peak period and did not see any apparently-excessive traffic speeds.

TOC felt that overall speeds were appropriate, if not well below the posted 25 mph speed limit. TOC concurred that excessive speed did not appear to be a prevalent issue, and that the geometry and traffic control on either end of the short street segment do not promote excessive-speed travel. Consideration of additional speed controls does not appear justified. Somewhat-elevated speeds appeared to be limited to a few inconsiderate drivers. The speed data was provided to the police department to assist in selecting a time of day for potential enforcement.

RJM/rjm

cc: Traffic Operations Committee  
John Duval, Police Chief  
Carlos Baía, Deputy City Manager – Development

## Memo

Date: July 26, 2013

To: Conservation Commission,  
Christopher Morgan, Chair

From: Kathy Temchack,  
Director of Real Estate Assessments



RE: Current use change tax quarterly update

### 2<sup>nd</sup> Quarter 2013

Eleven (11) current use penalties for a total of \$80,220.00 were mailed during the 2<sup>nd</sup> quarter of 2013.

\$13,070.00 in current use penalties were collected during the months of January through July 26, 2013.

Attached is an updated list of the bill payments to date this year.

CC: Mayor and Council

Brian LeBrun, Finance Director

Mike Jache, Treasurer

Steve Henninger, Staff Liaison to Conservation Commission

**CURRENT USE REPORT - 2ND QUARTER 2013**

<u>OWNER</u>	<u>M/B/L LOCATION</u>	<u>BEGINNING 2 QTR</u>	<u>2 QTR PAYMENTS</u>	<u>BALANCE END OF 2ND QTR</u>
Stuart & Janet Arnett 10 Fisk Road Concord, NH 03301	97/3/8 10 Fisk Road	620.00	620.00	
Brook Shire Crossing LLC PO Box 476 Manchester, NH 03108-0476	123/1/74 171 Hoit Road	6,770.00		
Brook Shire Crossing LLC PO Box 476 Manchester, NH 03108-0476	123/1/7/3 175 Hoit Road	6,670.00		
Brook Shire Crossing LLC PO Box 476 Manchester, NH 03108-0476	123/7/2 179 Hoit Road	6,670.00		
Brook Shire Crossing LLC PO Box 476 Manchester, NH 03108-0476	123/1/7/1 183 Hoit Road	6,670.00		
Kyri & Robert Claflin 301 Galloping Hill Road Hopkinton, NH 03229	99/2/101 109 Reserve Pl	12,000.00	12,000.00	
Robert & Melinda Harrison 22 First Street Concord, NH 03301	104/2/73 105 W Parish Road	7,500.00		
Todd Haywood PO Box 1484 Concord, NH 03302-1484	123/1/7/5 153 Hoit Road	470.00		
St Paul's School 325 Pleasant Street Concord, NH 03301	92/2/3 10 Silk Farm Road	19,900.00		
St Paul's School 325 Pleasant Street Concord, NH 03301	94/1/25 51 Silk Farm Road	12,500.00		
James & Carol Triacca 262 Hopkinton Road Concord, NH 03301	98/2/22 262 Hopkinton Road	450.00	450.00	0.00
		80,220.00	13,070.00	

Bm  
7-31-13  
8-36

# CITY OF CONCORD

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*In the year of our Lord two thousand thirteen*

## RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) FOR UP TO TWO HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$225,000) WITH THE NEW HAMPSHIRE FISH AND GAME DEPARTMENT (NHF&GD) TO ADMINISTER THE MITIGATION MANAGEMENT PLAN ASSOCIATED WITH THE ENVIRONMENTAL IMPACTS TO THE DESIGNATED CONSERVATION ZONE FOR THE TAXIWAY B CONSTRUCTION PROJECT.

*The City of Concord resolves as follows:*

- WHEREAS,** this project was approved by the City Council on June 20, 2013 upon adoption of the FY2014 Capital Improvements Program and Budget as CIP project #73; and
- WHEREAS,** the agreement with NHF&GD allows the NHF&GD to administer the Mitigation Management Plan; and
- WHEREAS,** funding for each phase of the Mitigation Plan shall be allocated concurrently with allocated funding for each phase of the taxiway construction project; and
- WHEREAS,** Resolution #8683 approved at the July 8, 2013 City Council meeting authorized the City Manager to enter into a grant agreement with NHDOT in the amount of \$1,200,000 to administer the construction of Phase I of the taxiway project; and
- WHEREAS,** should the City's application for this purpose be accepted, project funding would be allocated as follows: \$1,080,000 (90%) Federal share, \$60,000 (5%) State share and \$60,000 (5%) City share; and
- WHEREAS,** the \$225,000 cost for the Mitigation Plan is included in the total project cost; and
- WHEREAS,** the Airport Advisory Committee recommends that the City Council approve this project.

***NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:***

1. The City Council authorizes the City Manager to enter into an agreement with the New Hampshire Fish and Game Department.
2. This resolution shall take effect upon its passage and grant award by the State of New Hampshire and the Federal Aviation Administration.





# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Martha Drukker, Associate Engineer

**DATE:** July 26, 2013

**SUBJECT:** CIP # 73 Construct Parallel Taxiway 12/30, Phase I - Memorandum of Agreement with the New Hampshire Fish and Game Department

### Recommendation

Authorize the City Manager to enter into a Memorandum of Agreement (MOA) for up to \$225,000 with the New Hampshire Fish and Game Department (NHF&GD) to administer the Mitigation Management Plan associated with the environmental impacts to the designated conservation zone for the Taxiway B Construction project.

### Background

In November 2000, the City entered into a Development and Conservation Management Agreement for the Municipal Airport with the NHF&GD, United States Fish and Wildlife Service (USF&WS), New Hampshire Army National Guard (NHANG), New Hampshire Department of Transportation (NHDOT), and the Federal Aviation Administration (FAA). Under the provisions of this Agreement, to the extent possible, future development was to occur in the designed development zones. In December 2011, the City finalized an Environmental Assessment (EA) focusing on projects programmed in the Capital Budget over the next 5-7 years. The construction of the Parallel Taxiway B to Runway 12/30 was evaluated as one of the projects in the EA and occurs within a designated conservation zone.

### Discussion

The final taxiway design is a result of several alternatives considered to minimize and avoid impacts to the Karner Blue Butterfly habitat; however, mitigation is required for the areas that will be impacted. A mitigation plan was developed out of the conservation measures included in the Biological Opinion issued by USF&WS as part of the EA process and addresses the impacts to the protected habitat

associated with the runway construction. The plan includes, yet is not limited to the following:

- Transplanting of the impacted habitat
- Survey wildlife in the area of construction throughout the project duration
- Continued management of existing habitat management zones at the airport
- 4.5 acres of tree removal in the east conservation zone
- Creation of 11 acres of new conservation zone in the vicinity of city owned land between Greeley Street and Robinson Street.

The cost to create, maintain and manage the habitat environment equal to what is impacted as a result of the taxiway construction project is approximately \$225,000. Allocating funding for the Mitigation Plan would be phased concurrently with the funding for the phases of the taxiway construction. This cost is funded 90% by FAA, 5% by NHDOT and 5% by the City. The Mitigation Management Plan would be administered by NHF&GD.

The City is currently required by FAA to maintain the 11 acres of proposed conservation land to keep it free of obstructions. This maintenance cost and ensuring compliance with obstruction removal will be the responsibility of NHF&GD once the easement is executed.

The Mitigation Management Plan was approved by the Airport Advisory Committee in April 2011.

MLD

**Bonenfant, Janice**

**From:** David Lamarre-Vincent <davidlv55@gmail.com>  
**Sent:** Monday, July 08, 2013 3:21 PM  
**To:** Bonenfant, Janice  
**Cc:** Catherine Pappas; Susan Cragin  
**Subject:** City Council Request for Street Rumford St. Closure Sunday Aug. 25

130

City Clerk,

RE: City Council Request to Close Rumford from Centre to School for Block Party

This is our neighborhood request that the City Council permit us to close Rumford St from Centre to School Streets and Garden St. from Huntington to Rumford Streets for the purpose of an annual Block Party.

There will be no bands or other outside entertainment.

The desired date and time is Sunday, August 25, 2013 from noon to 7 PM.

Typically we have residents and former residents of Rumford St from Centre to Pleasant and the adjoining streets attend. Participation is estimated to be 10 to 20 children and 30 to 40 adults. Because of the nonconforming lot sizes and the amount of traffic on Rumford St., for safety sake the street is the only location large enough and safe enough for adults and children.

We sincerely appreciate approvals in the past and hope that this request meets with your approval once again.

For Rumford Street residents:

David Lamarre-Vincent  
DavidLV55@gmail.com  
 50 Rumford St.  
 Concord, NH 03301  
603 496 6989 mobile  
603 225 7808 home



**Bonenfant, Janice**

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**From:** Karen Wimpey <kwimpey@concordymca.org>  
**Sent:** Friday, July 26, 2013 10:48 AM  
**To:** \* City Clerk  
**Cc:** bbrown@concordymca.org  
**Subject:** Street Closure Request

TJH

To Whom It May Concern,

I am emailing you today on behalf of the Concord Family YMCA. We are respectfully requesting to close down Warren Street between North State Street and Green Street on Friday, September 13, 2013 from 3:00pm to 9:00pm. We are hoping to do another block party/barbecue for our members and the community. We will have food, music, bounce houses, and carnival style games.

Thank you for your consideration.

*Karen Wimpey  
Membership Supervisor  
Concord Family YMCA*



8-39

1/20



Office of the City Clerk

41 Green Street

Concord, NH 03301

**TO:** Mayor Bouley and City Council:

**RE:** Request for use of City Plaza and for closure of Capitol Street for 8<sup>th</sup> Annual Multicultural Festival

**City Location requested for event:** City Plaza in front of State House and Capitol Street

**Date and Time:** Saturday September 28, 2013, 12pm through 10pm (event hours 2-6pm)

Please consider this request, on behalf of the Greater Concord Area Task Force Against Racism and Discrimination, for the use of City Plaza and Capitol Street in support of the Concord Multicultural Festival. The Concord Multicultural Festival will also make use of the State House lawn and plaza for a mix of musical performances, dancing, cultural information, children's activities, artwork, exhibits and vendors.

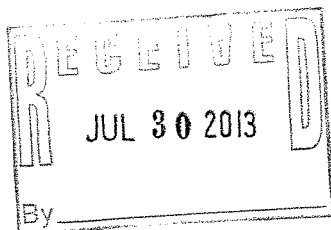
Please find attached a copy of the City Permit which has been applied for.

Thank you for your kind consideration,

A handwritten signature in cursive script that reads "Jessica Fogg".

Jessica Fogg

Chairperson, Concord Multicultural Festival



**RECEIVED**

**JUL 30 2013**

**CODE ADMINISTRATION**

PERMIT NO. \_\_\_\_\_

Return to: Code Administration  
Health & Licensing  
37 Green Street  
Concord NH 03301

-Police Department Use Only-  
No. of Officers Required \_\_\_\_\_

Restrictions: \_\_\_\_\_

APPROVED \_\_\_\_\_

Concord Police Dept.

LICENSE FEE: \$ \_\_\_\_\_

This application must be submitted thirty (30) days prior to proposed event to allow for the processing of the application. Please make check payable to: CITY OF CONCORD

APPLICATION FOR ENTERTAINMENT/EVENT PERMIT

Organization/Individual Name Concord Multicultural Festival Phone 603 568 5740

~~Address~~ Task Force against Racism + Discrimination

Person in charge of event Jessica Fogg Phone 603 568 5740

Address PO Box 173 Concord, NH 03302

Sponsor of Event \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Type of and Description of Event \_\_\_\_\_

Location of Event State House Plaza + City Plaza

Proposed Dates: From Sept 28, 2013 To Sept 28, 2013

Proposed Hours: From 12pm To 10pm

Indicate the number of persons expected to participate ~~1000~~ 100 +/-

Indicate the approximate number of spectators 500 +/-

Will the event include food vendors? Yes: ☒ No: ☐ if yes please list name(s) below TBA

ADDITIONAL INFORMATION – such as the use of live bands, guest speakers, musicians, etc musicians, performers, vendors

**RECEIVED**

**JUL 30 2013**

If the event is on the City Plaza – front of "Arch", will you need electricity? Yes ☒ No ☐

If "Yes", please indicate times needed for electricity: 12pm am/pm 10pm am/pm **CODE ADMINISTRATION**

Certificate of Insurance Enclosed: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Request for Street Closure: Yes: ☒ No: ☐ (If yes, See Below)

Yes \_\_\_\_\_ No \_\_\_\_\_ Letter for closure attached

PERMISSION FOR STREET CLOSURE MUST BE RECEIVED FROM CITY COUNCIL BEFORE PERMIT CAN BE ISSUED. Letter must be submitted to City Clerk, and Health & Licensing.

Signed Jessica Fogg

Date 6/18/13

APPROVED \_\_\_\_\_

Date \_\_\_\_\_

**RECEIVED**  
**JUL 30 2013**  
By \_\_\_\_\_



# Bishop Brady High School

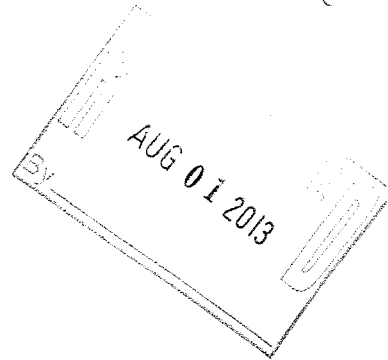
8-40



*A community that inspires...*

25 Columbus Avenue, Concord, NH 03301-3199 Telephone (603) 224-7418 Fax (603) 228-6664 www.bishopbrady.edu

AA



August 1, 2013

Dear City Councilors:

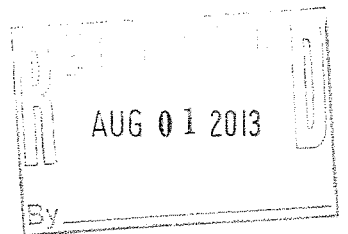
Bishop Brady High School is celebrating its 50<sup>th</sup> Anniversary this year. As such, the school is planning several events during homecoming weekend, September 27 – September 29.

On Saturday, September 28, 2013 we respectfully request permission to hold a homecoming parade from Bishop Brady High School to Memorial Field. The parade will start at the high school at 4:45pm and conclude at Memorial Field. We have submitted 3 parade routes for your review as we do not have a preference. Whatever is best for the city of Concord, will work for us.

The parade will consist of several vehicles including floats as well as students and alumni marchers.

Thank you for your consideration. Sincerely,

Maureen Kimball  
Director of Advancement

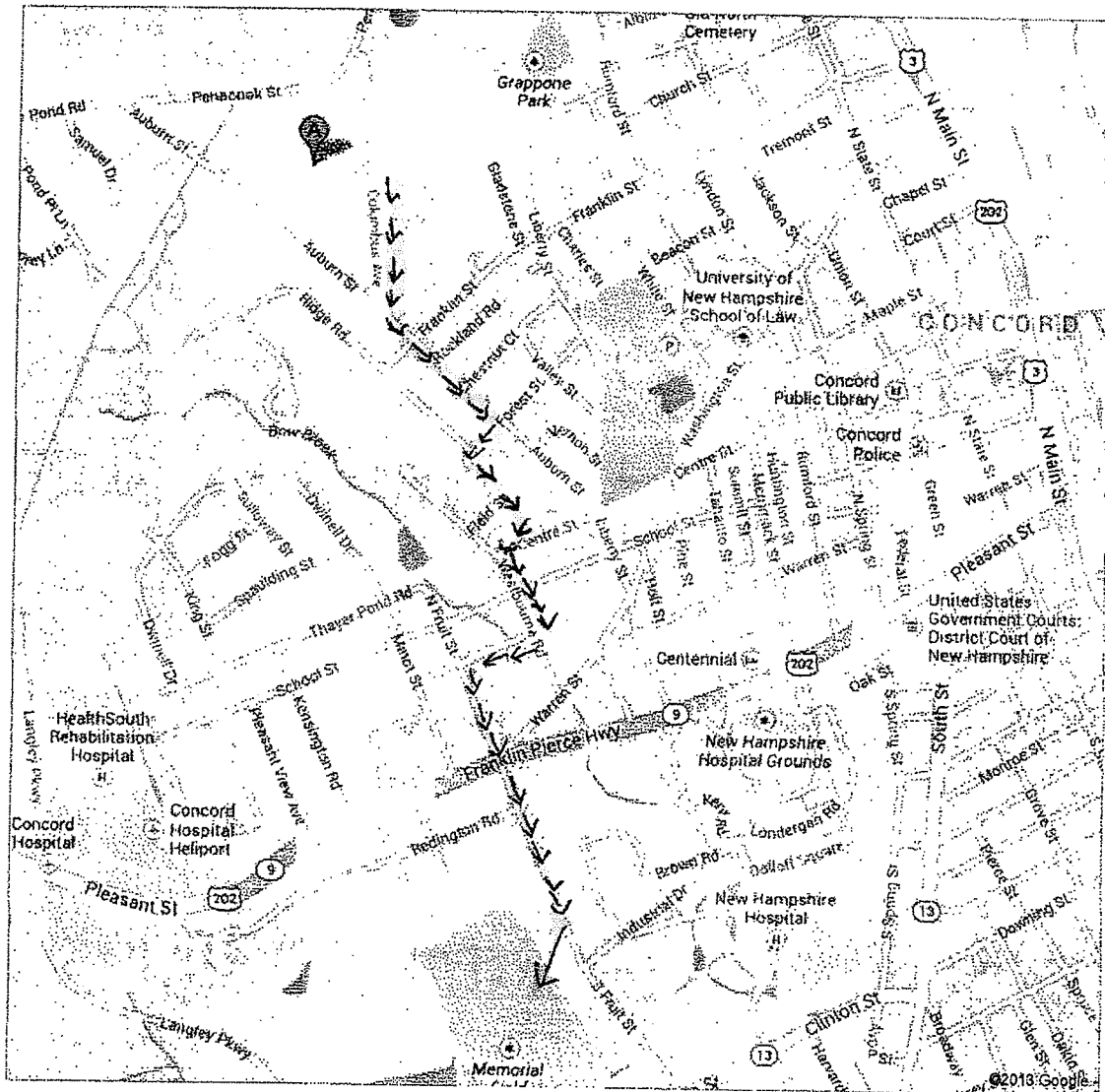


Google

Address 25 Columbus Ave  
Concord, NH 03301

Get Google Maps on your phone

Text the word "GMAPS" to 466453



Option A

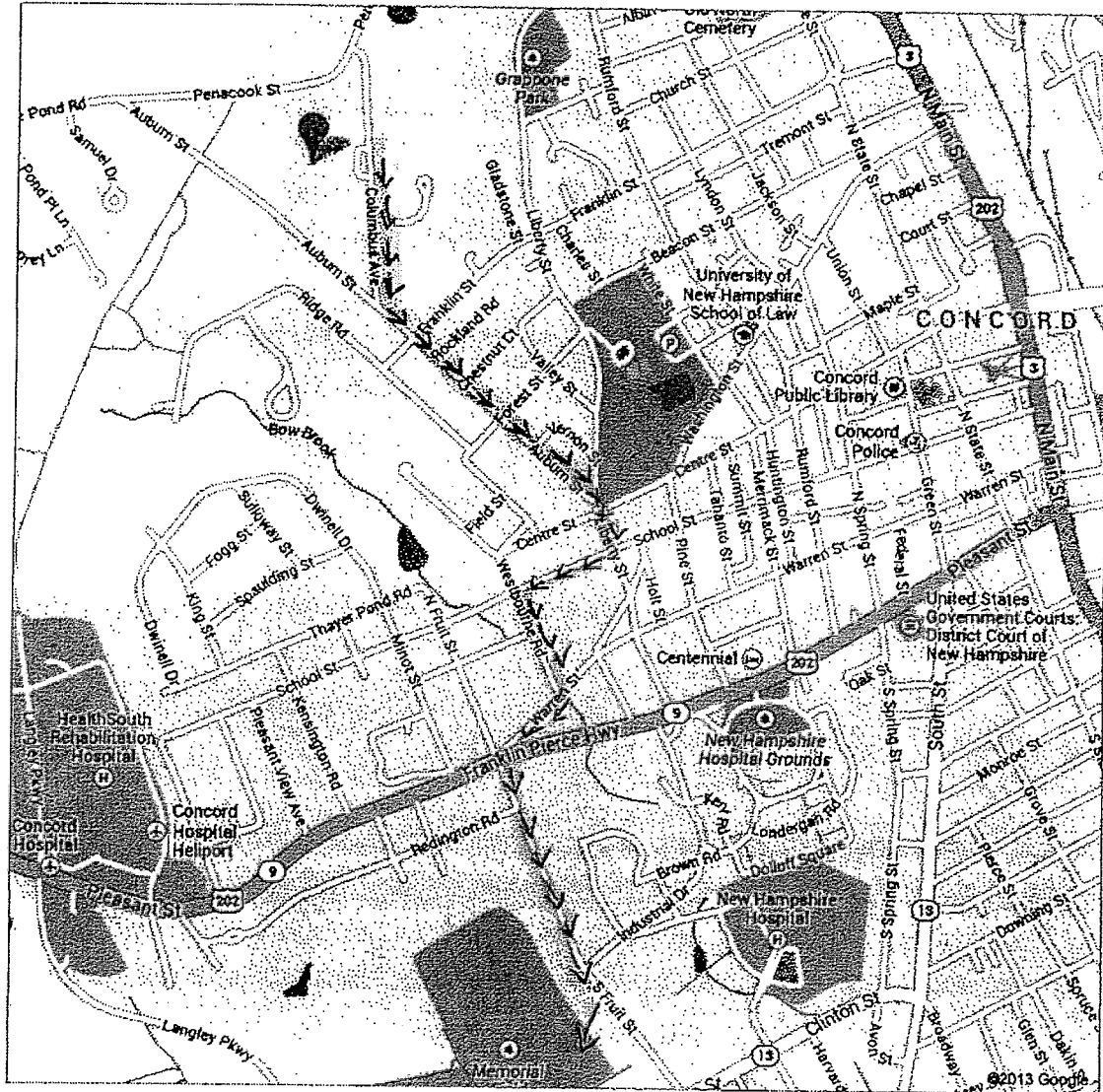
Columbus to Auburn to Forest to Ridge to Center to  
Westbourne to Woodman to Fruit

Google

Address 25 Columbus Ave  
Concord, NH 03301

Get Google Maps on your phone

Text the word "GMAPS" to 466453

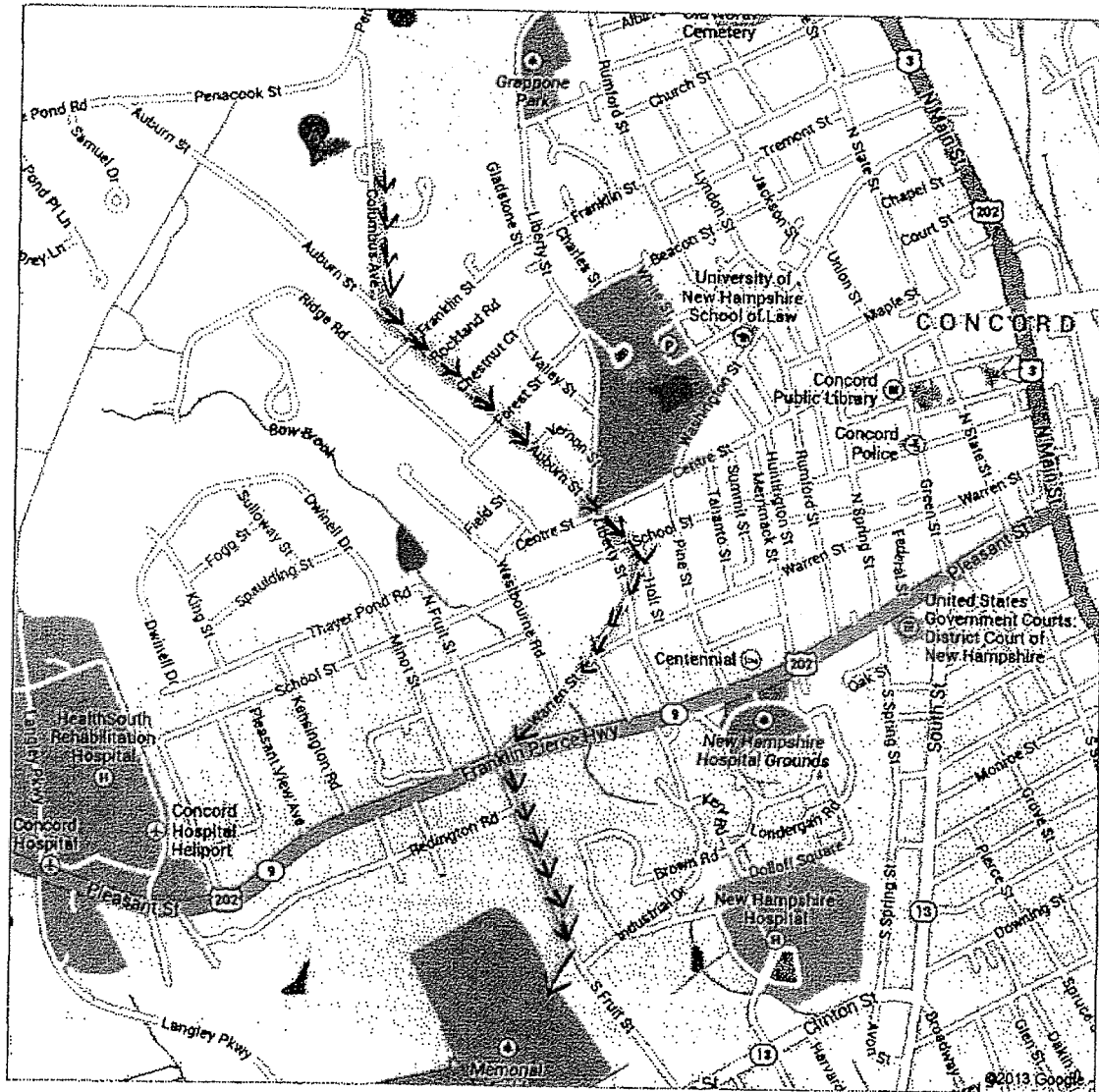
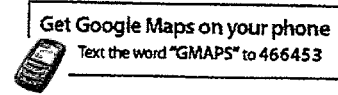


option B

Columbus to Auburn to Liberty to School to Westbourne to  
Warren to Fruit



Address 25 Columbus Ave  
Concord, NH 03301



Option C

Columbus to Auburn to Liberty to Warren to Fruit



# City of Concord, New Hampshire

## ADMINISTRATION

City Hall – 41 Green Street – 03301

(603) 225-8570

taspell@concordnh.gov

Thomas J. Aspell, Jr.

City Manager

## REPORT TO MAYOR AND THE CITY COUNCIL

DATE: June 21, 2013

FROM: Thomas J. Aspell, Jr., City Manager

SUBJECT: **Building Board of Appeals Appointments**

### Recommendation

It is recommended that the following appointments be reviewed at the July City Council meeting for approval in August.

### Background

I hereby propose the reappointment of the following individuals to continue their service on the Building Board of Appeals:

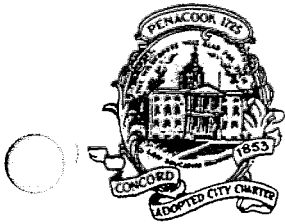
- **Richard Burpee** would continue to serve as a Regular Member for an additional three year term to expire January 1, 2014. Mr. Burpee has served as a Regular Member since 1991.
- **Ed Rimm** would continue to serve as a Regular Member for an additional three year term to expire January 1, 2016. Mr. Rimm has served as a Regular Member since 2004.
- **Peter Welch** would continue to serve as a Regular Member for an additional three year term to expire January 1, 2016. Mr. Welch has served as a Regular Member since 1997.

### Discussion

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action in August.

cc: Michael Santa, Code Administrator

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in the first column, and the addresses are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.



JIM BOULEY  
MAYOR

# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

8-42

12A

TO: Members of City Council  
FROM: Mayor Bouley  
DATE: June 28, 2013  
RE: Recreation and Parks Advisory Committee

I propose the reappointments of the following individuals to the Recreation and Parks Advisory Committee for a term to expire July 31, 2016.

- Chiara Dolcino, 86 Little Pond Road, Concord. Ms. Dolcino will be reappointed as the Ward Three representative.
- Lauren Flieder, 8 Spruce Street, Concord. Ms. Flieder will be reappointed as the Ward Six representative.
- Glen Mathews, 22 Goldenrod Lane, Concord. Mr. Mathews will be reappointed as the Ward Seven representative.

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action at the August 12, 2013 City Council meeting.





# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

JIM BOULEY  
MAYOR

TFA

TO: Members of City Council

FROM: Mayor Bouley

DATE: June 28, 2013

RE: Solid Waste Advisory Committee

I propose the reappointments of the following individuals to the Solid Waste Advisory Committee for additional three year terms to expire September 30, 2016. If approved they will continue to serve as general public representatives.

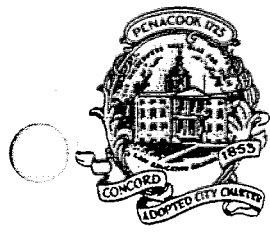
- Melanie Doiron, 28 Stone Street, Concord.
- Mike Russell, 32 Runnells Road, Concord.

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action at the August 12, 2013 City Council meeting.



8-44

120



# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

JIM BOULEY  
MAYOR

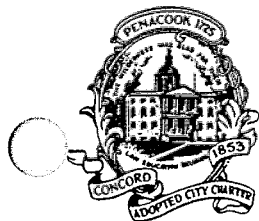
TO: Members of City Council  
FROM: Mayor Bouley  
DATE: July 1, 2013  
RE: Public Safety Board Appointments

I propose the reappointments of the following individuals to the Public Safety Board, each continuing to serve for additional two year term to expire May 31, 2015.

- Anthony Bourque, 7 River Road, Penacook.
- Jim Cotsana, 44 Profile Avenue, Concord.
- Steve Edwards, 105 ½ Penacook Street, Penacook.
- Jim O'Neill, 30 Rosewood Drive, Penacook.
- Michael Russell, 32 Runnells Road, Concord.

In accordance with Section 15 of the City Council Rules, these proposed reappointments are being distributed to City Council as information in advance of formal action at the August 12, 2013 City Council meeting.





JIM BOULEY  
MAYOR

# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

120

TO: Members of City Council

FROM: Mayor Bouley *JB*

DATE: July 10, 2013

RE: Public Safety Board Appointments

I propose the appointment of the following individuals to the Public Safety Board to fill vacancies that currently exist. If approved, they will serve two years terms that will expire August 31, 2015.

- Carol Hargrove, 1014 Alton Woods Drive. Ms. Hargrove's letter of interest is attached.
- Lisa Brown, 5 Davis Street. Ms. Brown's resume is attached.

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action at the August 12, 2013 City Council meeting.



----- Forwarded message -----

From: <[DarsNH@aol.com](mailto:DarsNH@aol.com)>

Date: Apr 21, 2013 9:11 PM

Subject: RE: Public safety advisory board

To: <[amandakgrady@gmail.com](mailto:amandakgrady@gmail.com)>

Cc:

Mayor Bouley and members of the city council,

I am a lifelong resident of Concord and have stayed involved in Concord activities for many years through neighborhood concerns, city projects, 20/20, and the transportation committee. At present, I would like very much to contribute to my city by serving on the public safety advisory board. I have a background in public safety having worked for six years as a security guard. I hope you will allow me the opportunity to serve the city by sharing and growing in public safety.

Sincerely,  
Carol F. Hargrove  
1014 Alton Woods Drive

***Lisa Brown***

Communications Consultant, Writer, Producer, Reporter  
5 Davis Street, Concord, NH 03301  
(H) 603-224- 0364 (c) 603-496-2446 Librown@aol.com

**\*Lantos Foundation for Human Rights and Justice-October, 2010- 2013**

Freelance communications consultant (as needed). Field producer and reporter for award presentation video for the Annual Lantos Human Rights and Justice Award Ceremony honoring esteemed human rights activists including; Chen Guangcheng, Professor Elie Wiesel, His Holiness the Dalai Lama and Mr. Paul Rusesabagina. Producer/reporter for video campaign to free Russian dissident Mikhail Khodorkovsky.

**\* New Hampshire Magazine: 2006-present**

Contributing writer of monthly column, *Shop Talk* about retail in New Hampshire and other special writing projects including The 2012 Holiday Gift Guide.

**\*Ohare Productions Boston: 2000-present**

Audio Tech/field production and video producer for special projects in high tech area.

**\*Press Secretary, Katrina Swett for Congress. May, 2010-September, 2010**

Responsible for Campaign message, media relations, press coverage and outreach. Other duties included debate preparation, media consulting and liaison between paid staff and volunteers.

**\*Accompany Video Productions: Concord, NH. 1996-2010**

Producer/marketing, media relations for full service video production company. Documentary producer for over a dozen films airing on Maine Public Television. See [www.accompanyvideo.com](http://www.accompanyvideo.com) .

**\*WMTW-Portland, ME. 1995-1998**

Morning anchor/field reporter.

**\*WLVI-Boston, MA.**

Writer, 10pm News

**\*NHPTV-New Hampshire**

Reporter

**\*HGTV**

Segment producer

**\*WNDS**

Anchor/Reporter

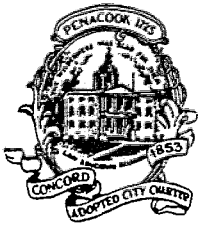
**Other:**

The Hippo Press, Associated Press

Northwest Airlines

**Education:** The University of Florida, B.S. Journalism.

**Awards:** Recipient of more than 30 awards for writing and reporting from the Maine Association of Broadcasters, N.H. Association of Broadcasters, the Associated Press of N.H., The National Gabriel Awards and the N.H. Press Association.



JIM BOULEY  
MAYOR

# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

8-45

1/20

TO: Members of City Council

FROM: Mayor Bouley

DATE: July 1, 2013

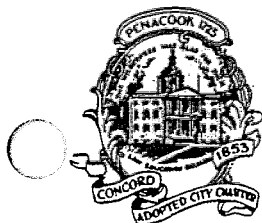
RE: Everett Arena Advisory Committee Appointments

I propose the reappointment of the following individual to the Everett Arena Advisory Committee for a term to expire April 1, 2016.

- Dan Arndt, 4 Pleasant View Avenue, Concord. Mr. Arndt would continue to serve as a general public representative.

In accordance with Section 15 of the City Council Rules, this proposed reappointment is being distributed to City Council as information in advance of formal action at the August 12, 2013 Council meeting.





JIM BOULEY  
MAYOR

# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

120

TO: Members of City Council

FROM: Mayor Bouley

DATE: July 1, 2013

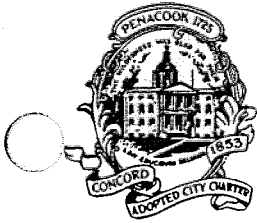
RE: Golf Course Advisory Committee Appointments

I propose the reappointments of the following individuals to the Golf Course Advisory Committee with a term expiring on May 1, 2016.

- Vera Buck, 26 Auburn Street, Concord. Ms. Buck would be reappointed as a season user.
- Dave Croft, 6 Hobart Street, Penacook. Mr. Croft would be reappointed as a general public representative.
- Richard Holden, 59 Manor Road, Penacook. Mr. Holden would be reappointed as a non-season user.
- Frances Hunt, 158 West Parish Road, Concord. Ms. Hunt would be reappointed as a season user.
- Roger Jobin, 54 School Street, Concord. Mr. Jobin would be reappointed as a general public representative.
- Robert Vachon, 29 Norwich Street, Concord. Mr. Vachon would be reappointed as a general public representative.
- Charles Vanasdalan, 203 Loudon Road, Concord. Mr. Vanasdalan would be reappointed as a general public representative.
- William Veroneau, 12 Blake Street, Concord. Mr. Veroneau would be reappointed as a season user, senior citizen.

In accordance with Section 15 of the City Council Rules, this proposed reappointments are being distributed to City Council as information in advance of formal action at the August 12, 2013 City Council meeting.





JIM BOULEY  
MAYOR

# City of Concord, New Hampshire

OFFICE OF THE MAYOR

CITY HALL • 41 GREEN STREET • 03301

1/18

TO: Members of City Council

FROM: Mayor Bouley

DATE: July 3, 2013

RE: Airport Advisory Committee Reappointments

I propose the reappointment of the following individuals to the Airport Advisory Committee, each for additional three terms that will expire April 30, 2016.

- Richard Bartle, 87 Airport Road, Concord. Mr. Bartle will remain on the committee as an Aviation Oriented Representative.
- Ernest Loomis, 12 Dover Street, Concord. Mr. Loomis will remain on the committee as an Airport Area Resident Representative.
- James MacKay, 139 North State Street, Concord. Mr. MacKay will remain on the committee as a General Public Representative – Aircraft User.

In accordance with Section 15 of the City Council Rules, these proposed appointments are being distributed to City Council as information in advance of formal action at the August 12, 2013 Council meeting.



B-48(A)  
8-51 Ben 6-24-13

# CITY OF CONCORD

7-13

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** ACCEPT AND APPROPRIATE TWO HUNDRED FIFTY-EIGHT THOUSAND TWENTY-FOUR DOLLARS (\$258,024) IN UNMATCHED GRANT FUNDS FROM THE OFFICE OF DOMESTIC PREPAREDNESS - STATE HOMELAND SECURITY PROGRAM AND LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM, FUNDS DESIGNATED FOR THE PURPOSE OF PURCHASING A SPECIALIZED RESPONSE / RESCUE VEHICLE.

*The City of Concord resolves as follows:*

- WHEREAS,** the Concord Police Department has received notification from the Office of Domestic Preparedness - State Homeland Security Program and Law Enforcement Terrorism Prevention Program that the City of Concord has been awarded a grant in the amount of two hundred fifty-eight thousand twenty-four dollars (\$258,024); and
- WHEREAS,** the Concord City Council approved Resolution #8601, adopted September 10, 2012, at their regular meeting authorizing the City Manager to apply for the above grant; and
- WHEREAS,** the Concord Police Department is required to use this grant funding to purchase a Specialized Response / Rescue Vehicle (Lenco "Bearcat" Model G3); and
- WHEREAS,** there is no financial match from the City required for the purchase of this vehicle; and
- WHEREAS,** the Central New Hampshire Special Operations Unit will be responsible for fuel and ongoing maintenance and repair costs of this vehicle; and
- WHEREAS,** this appropriation is for a purpose not included in the FY14 adopted budget, therefore Section 37 of the City Charter requires a two-thirds vote of the City Council.

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** ACCEPT AND APPROPRIATE TWO HUNDRED FIFTY-EIGHT THOUSAND TWENTY-FOUR DOLLARS (\$258,024) IN UNMATCHED GRANT FUNDS FROM THE OFFICE OF DOMESTIC PREPAREDNESS - STATE HOMELAND SECURITY PROGRAM AND LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM, FUNDS DESIGNATED FOR THE PURPOSE OF PURCHASING A SPECIALIZED RESPONSE / RESCUE VEHICLE

***NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Concord that:***

1. The sum of .....\$258,024  
be and is hereby appropriated as follows:

General Capital Fund

Police Department

Police Equipment (Vehicles) .....\$258,024

2. Revenue for this project is available as follows:

General Capital Fund

2013 Office of Domestic Preparedness,

State Homeland Security and

Law Enforcement Terrorism Prevention Program Grant.....\$258,024

3. Sums as appropriated shall be expended under the direction of the City Manager.
4. This resolution shall take effect upon its passage and grant award by the Office of Domestic Preparedness - State Homeland Security Program and Law Enforcement Terrorism Prevention Program.



John F. Duval  
Chief of Police

# City of Concord, New Hampshire

## POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

17A

### REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Chief John F. Duval - Police Department

**DATE:** June 17, 2013

**SUBJECT:** Office of Domestic Preparedness - State Homeland Security Program and Law Enforcement Terrorism Prevention Program Award

**Recommendation** - Through the City Manager, authorize the Police Department to accept and appropriate grant funding in the amount of \$258,024 from the Office of Domestic Preparedness - State Homeland Security Program and Law Enforcement Terrorism Prevention Program. This grant funding is to be used solely for the purchasing of a Specialized Response / Rescue Vehicle.

**Background** - The City of Concord is the State Capital and largest city in Merrimack County. The City also is home to the NH State Prison, US Federal Building, NH State Hospital and numerous other Federal, State, and County properties. The President and Vice-President of the United States have been recent visitors to the City, and we have been fortunate to host visits from Heads of State, United States Congressional members, and many other dignitaries. The City consists of approximately 64 square miles with a population of approximately 45,000 residents. The City encompasses every type of geographical area, from an urban downtown area, to suburban neighborhoods, to rural farmland and wooded areas.

The Concord Police Department is the largest municipal police agency in Merrimack County. The Police Department has primary response duties to critical incidents involving armed persons and other threats within the City. In addition, many of the neighboring communities rely upon the Concord Police Department to assist with manpower and equipment resources. The Concord Police Department is also an active participant in the Central NH Special Operations Unit (CNHSOU). The Concord Police Department is the primary stakeholder in the CNHSOU and currently has 10 members assigned to the CNHSOU including the Unit's Commanding Officer. The CNHSOU consists of over twenty membership communities that cover approximately 1,000 square miles, which makes this the largest land area coverage of any team in the State of New Hampshire. The CNHSOU, as a specialized Unit, responds to requests for assistance from not only the City of Concord but also other jurisdictions throughout the State.

Both the City of Concord and the CNHSOU have need for a Specialized Response and Rescue Vehicle. These types of vehicles are widely used throughout the law enforcement community and in particular with specialized response teams. This vehicle allows for enhanced response capabilities in a protected manner for the transport of personnel and equipment to barricaded,

suicidal and hostage situations, high risk warrants, high risk arrests and officer/citizen down rescues.

This vehicle would have the capability of responding to virtually any location in any weather or climate and would be armored to protect personnel from explosions and projectiles. The vehicle also features run-flat tires that are pneumatic, but have a built-in polymer tire on the rim to enable the vehicle to continue to respond even in case of puncture. All windows on the vehicle are glass clad polycarbonate, with explosion and projectile resistant capabilities.

The Resolution allowing the Concord Police Department to apply for grant funding to purchase this vehicle was approved during the City Council meeting held on 09/10/12 (Resolution #8601).

**Discussion** – The Office of Domestic Preparedness - State Homeland Security Program and Law Enforcement Terrorism Prevention Program has approved the Department's grant application and will provide funding in the amount of \$258,024 for the purchase of a Specialized Response / Rescue Vehicle. This grant will cover the full cost of the vehicle with no match from the City. The CNHSOU will bear responsibility for the maintenance, repair, and fuel costs associated with the use of this vehicle.

Research conducted on this style of vehicle has shown that one vehicle meets all of the requirements needed by both the City and the CNHSOU. This vehicle is the Lenco "BearCat" Model G3. Currently, there are no other vehicles in the State matching the capabilities of the G3. The availability of such a vehicle in Concord would allow for a rapid response to incidents occurring within the City and the surrounding communities, and also be an asset for use by the CNHSOU. Existing Department assets do not offer the level of protection, accessibility, diversity, and ease of deployment offered by the G3. Correspondence with Lenco has indicated that once the vehicle is ordered there is an approximate 6-9 month delivery time frame.

The City of Concord, in accordance with the grant award, will be the sole owner of this vehicle and responsible for its housing. The vehicle would, however, be available for use by the CNHSOU and other local agencies as needed under emergency and high risk situations.

The Concord Police Department will work closely with the Office of Domestic Preparedness, State Homeland Security Program and Law Enforcement Terrorism Prevention Program to ensure that all post award reporting requirements are met.

August 2, 2013

Concord Mayor and Members of the City Council,

As the Mayor and many of the City Council members are aware, I was a proud member of the Concord Police Department for 26 years, retiring in 2005. I am still employed in a public safety capacity in our State. I live in Concord and have so with my family for 35 years. I am proud of our City Government, its Services and Schools, and the people devoted to them.

In my early days, while patrolling the City, the members of the department endeavored to do its part of maintaining a high quality of life for our citizens. We persevered to keep our roads safe for all and aggressively investigated criminal activities. The safety and security of our fellow citizens was a responsibility which we have taken seriously. That said, our relationship with our community was never something we took for granted. Police involvement in schools started long before the School Resource Officer program was ever started. We developed a Park & Talk program, bicycle patrols, long term officer assignments to areas of the city, all to foster relationships with the people we serve. Since my departure, I've seen activities such as the upcoming National Night Out Program and the "On the Beat" television program not only get established but flourish through true positive community-police interaction.

The leadership for the police department has changed over the years, but its responsiveness and dedication to our community has not. An example of such is the involvement of the police in the establishment of rules and guides for the homeless settlements and those who solicit from motorists. Sole enforcement could have occurred, but problem solving with other community leaders has been the prudent road taken.

With that said, during the last 20 years some things have changed globally. A terror plot overseas has often developed into local domestic security responsibilities. Unfortunately, our police officers today do not solely deal with public safety quality of life issues occurring within our community. Life today has threats to security which come from so many different ways. We now understand that terrorist organizations, the so-called lone wolf, or homegrown terrorist desires to disrupt our quality of life, our economy, and/or impact the liberties and harmony of our life style we so enjoy.

Our Country's first line of defense for our homeland security events is our local first responders. In the past year, we do not have to look far to see the evolving threats and occurring criminal events that task our municipal police departments. A first responder's training, preparation, equipment and mindset to the many possible events that may occur during their daily shift are critical.

Our Federal, State, and City governments have been very supportive of our local police training and equipment needs throughout the years. However, as our community budgets get constrained, our public safety mutual aid system becomes the only viable pathway for government's response to these major incidents. Each community or individual police tactical team cannot sustain long term events. We rely on each other for timely support. As seen in Greenland, New Town, and Boston, mutual aid assistance is utilized from a variety of organizations, all bringing different expertise and equipment to a

scene. Teams work together, however they use the tools and equipment with which they train. Familiarity with equipment is a necessity in a response to a public safety issue. Its placement or availability could also impact how an incident is resolved – time is critical when we try to save lives.

I am aware that the BearCat proposal has its opponents. However developing an open community dialogue about its need, its use, and how such equipment will impact the mindset of our local police officers is important. Does it look like a military piece of equipment – I think so – but the police envision its use in potentially very violent response situations. It may have its roots in military use, but police departments across our Country recognize its value in protecting their most valuable assets – our police officers and innocent citizens caught in a dangerous place. It provides user protection, a police cruiser does not. It gets you into places that you cannot go to on foot. The vehicle's primary asset is as a rescue tool, but it also has other assets that will enable its use in situations that we hope we never have to deal with. However our police still must prepare for these unthinkable events and be familiar with the equipment's capabilities to render assistance during a response.

I do not believe that a piece of equipment is something which is going to change the community mindset of our police officers. If anything, the officers will recognize that the community understands the changes in their daily mission and supports them through proper training and equipment procurements.

Concord, as the Capital City of New Hampshire, has many significant targets for criminals and terrorists. Over the years, Concord has had its share of violent crime, its officers shot at, its buildings targeted, and its newspapers have reported on its front pages unnerving events that hardly make one feel secure in their often lauded safe community and state.

I ask that you closely consider your decision in reference to the procurement of this police vehicle. The people with whom you entrust your community's safety are asking for your support. They are the people that respond to your city's darkest moments, where life safety of a community member or the first responder may be in jeopardy. They have the proper mindset and training to prepare for such events. They are the few who this community entrusts with the responsibility to respond and protect others. I ask that you listen to your chosen public safety leaders.

Thank you for your time and service.

Paul M. Mueller  
retired Major – Concord Police Department  
19 Second Street  
Concord, New Hampshire 03301  
pmueller2@comcast.net  
(603) 315-6308

8-48(A)  
8-51

**Bonenfant, Janice**

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**From:** Mulholland, Michelle on behalf of \* City Clerk  
**Sent:** Monday, August 05, 2013 9:51 AM  
**To:** Bonenfant, Janice  
**Subject:** FW: There is no need for an armored personnel carrier in Concord

AA

**From:** Joshua VanBuskirk [<mailto:vanbuskirk77@gmail.com>]  
**Sent:** Friday, August 02, 2013 6:48 PM  
**To:** \* City Clerk  
**Subject:** There is no need for an armored personnel carrier in Concord

AUG 06 2013

Mayor Bouley,

As a concord resident, I wanted to express my concern about the on going militarization of local police forces. When I was younger police officers were considered members of the community and a resource to help those in trouble. More and more this is becoming less of the case. Now we have Law Enforcement who engage in increasingly aggressive behavior against you and me.

I believe the application for the bearcat is another example of this. FreeStaters and Occupy Wall Street are not a threat to average Concord resident, however, I fear law enforcement is increasing becoming a threat to those they are suppose to protect.

As a member of the National Guard, I recognize what the bearcat represents. The bearcat is a armored personnel designed to intimidate not to protect. I know this because I've used MRAPs and Strykers in Afghanistan.

I understand the bearcat is free, but that doesn't mean Concord needs it. Moreover, the State Police already have a bearcat. Is there any reason the Concord PD can't borrow it? At Joint Force HQ there are many military vehicles, I'm sure the National Guard would be willing loan them to the Concord PD if the need arises.

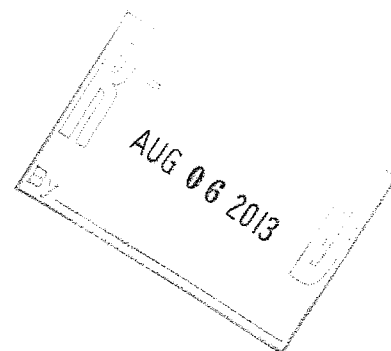
I hope you will reconsider your position on this matter.

Thank you.

Josh VanBuskirk  
8 Wyman Street  
Concord NH 03301



8-48(A)  
8-51



August 6, 2013

Concord City Council  
41 Green Street  
Concord, NH 03301

To Mayor Bouley and City Council Members:

I wanted to share my thoughts with you regarding the important upcoming vote for the City to accept the funding for the procurement of the Bearcat.

I have been involved in law enforcement since 1978 and, needless to say, I have seen many changes during that time. When I began my career we did not have the tools that are available to today's officers. The tools that are available today assist officers in their mission to maintain safety for the citizens of Concord and for themselves as they fulfill the duties of their job.

I have watched in the background as the discussion of the Bearcat came up. I began to look into the vehicle and its use in law enforcement. The first article that I found was that the vehicle was used to save the lives of firefighters that came under attack by a person that had purposely set his home on fire and waited for the firefighters to arrive and then he began to shoot at them. Two firefighters were murdered and two were injured. This occurred in Webster, New York (378 miles from Concord, NH).

This is a quote from a firefighter on a blog:

*The last thing we as fireman ever think about on the way to a structure fire is that a coward is waiting to open fire on us upon arrival. May god bless all these men and their loved ones... Let us honor all of them by getting back on the truck tomorrow and doing what they loved to do "help others in need."*

Most recently the vehicles were used in Boston (70 miles from Concord, NH) in the search for the Boston Marathon bombers.

This vehicle is not an assault vehicle or a tank, it is a tool that is used by law enforcement to protect our officers and our citizens, and as such, I would ask that you vote unanimously to accept the funds to procure this vehicle.

Sincerely,



Michael A. Russell



**Bonenfant, Janice**

8-48(A)  
8-51

**Subject:**

FW: Police equipment

TAA

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**From:** Aspell, Thomas  
**Sent:** Tuesday, August 06, 2013 3:03 PM  
**To:** Bonenfant, Janice  
**Subject:** FW: Police equipment

August Agenda

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**From:** Jim Bouley [<mailto:jpbouley@comcast.net>]  
**Sent:** Tuesday, August 06, 2013 3:00 PM  
**To:** Aspell, Thomas  
**Subject:** Fwd: Police equipment

Begin forwarded message:

**From:** Fred Kenison <[fredkenison@yahoo.com](mailto:fredkenison@yahoo.com)>  
**Date:** August 6, 2013 1:49:29 PM EDT  
**To:** "[jpbouley@comcast.net](mailto:jpbouley@comcast.net)" <[jpbouley@comcast.net](mailto:jpbouley@comcast.net)>  
**Cc:** Fred Kenison <[fkenison@audleyconstruction.com](mailto:fkenison@audleyconstruction.com)>  
**Subject:** Police equipment  
**Reply-To:** Fred Kenison <[fredkenison@yahoo.com](mailto:fredkenison@yahoo.com)>

Good afternoon Mayor Bouley. Based on what I've been reading lately, I am guessing you are hearing a lot of negative comments about the Bearcat issue. I've been content to sit in what I assume is the quiet majority, but feel it may be time to speak up in favor of the Bearcat.

In addition to just growing into a decent-sized city with all the accompanying policing issues, we are also the Capitol city of one of the key national political battleground states. Our city plays host to current and potential future leaders of the US on a fairly routine basis. I feel that alone makes the Bearcat a good purchase, and I think it is fitting that the Federal government should pick up the pricetag.

I am a resident of Concord and I support the Bearcat project. Please feel very free to share this email as you see fit.

Thank you.

Fred Kenison, 81 Sanborn Road, Concord



8-48(B) Bm  
8-52 6-28-13  
7-15

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROVING THE ACQUISITION OF APPROXIMATELY 270 ACRES OF OPEN SPACE LAND LOCATED NORTHERLY OF PORTSMOUTH STREET AND SOUTHERLY OF CURTISVILLE ROAD, AS RECOMMENDED BY THE CONSERVATION COMMISSION AND AFFIRMING THE ISSUANCE OF NINE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$975,000) IN BONDS OR NOTES UNDER RESOLUTION # 7661 OF THE CITY COUNCIL, ADOPTED ON SEPTEMBER 13, 2004.

PAGE 1 OF 2

*The City of Concord resolves as follows:*

- WHEREAS,** on April 12, 2004, the City adopted the provisions of RSA 36-A, re-establishing the Concord Conservation Commission with the power to acquire in the name of the City, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease or otherwise, the fee in such land or water rights; or any lesser interest, development right, easement, covenant, or other contractual right, including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within the City; and
- WHEREAS,** the 2013 – 2022 Capital Improvement Program (CIP) includes a recommendation to purchase land or easements for the purposes provided in RSA 36-A, noted as CIP #352; and
- WHEREAS,** Brian R. Bollinger and Larry R. Bollinger intend to convey one parcel of land containing approximately 94 acres legally described as Tax Map Parcel 113/3/3 and described in a deed recorded at the Merrimack County Registry of Deeds as Book 3359, Page 1674; and Kurt Meisner, Trustee of the Links Realty Trust, intends to convey two parcels of land containing approximately 176 acres of land on Tax Map Parcels 113/2/10 and 113/2/9, and described in a deed recorded at the Merrimack County Registry of Deeds as Book 2889, Page 1064, to the City; the cost for the three parcels is expected to be not more than \$975,000; and
- WHEREAS,** the property described above is located in the area known as the Broken Ground and the Master Plan 2030 recommends *"Public acquisition for most of Broken Ground in recognition of its diverse environment, its value as a large unfragmented habitat for a wide range of wildlife, as well as the range of recreational uses it offers to the public;"* and
- WHEREAS,** the Conservation Commission, under the provision of RSA 36-A, conducted a public hearing on March 20, 2013, after which the Conservation Commission members voted unanimously in the affirmative to exercise their authority with regard to contributing funds not to exceed \$975,000 from the Conservation Fund towards the purchase of the land including the cited parcels; and

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROVING THE ACQUISITION OF APPROXIMATELY 270 ACRES OF OPEN SPACE LAND LOCATED NORTHERLY OF PORTSMOUTH STREET AND SOUTHERLY OF CURTISVILLE ROAD, AS RECOMMENDED BY THE CONSERVATION COMMISSION AND AFFIRMING THE ISSUANCE OF NINE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$975,000) IN BONDS OR NOTES UNDER RESOLUTION # 7661 OF THE CITY COUNCIL, ADOPTED ON SEPTEMBER 13, 2004.

PAGE 2 OF 2

**WHEREAS,** Resolution # 7661, adopted by the City Council on September 13, 2004, appropriated the sum of \$5,000,000 to the Conservation Fund for the acquisition of conservation easements or open space land by the City and authorized the issuance of bonds and notes therefore, from which the Commission intends to apply the sum of \$975,000 towards the purchase of the property, including the costs incidental to the sale of bonds; and

**WHEREAS,** the Conservation Commission estimates that the closing costs and the fees related to the purchase of the property will be minimal, and the Commission intends to pay for the closing costs from current funds in the Conservation Trust previously appropriated by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The acquisition of the property as described above, by the Conservation Commission, at a cost to the City not to exceed \$975,000, is hereby approved, to be funded by bonds issued under Resolution # 7661, adopted by the City Council on September 13, 2004, in an amount not to exceed \$975,000, and incidental costs related to the transaction will be paid with available funds in Conservation Trust, as previously appropriated by the City Council.
- 2) This resolution shall take effect upon its passage.



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Gloria McPherson, City Planner

**DATE:** June 26, 2013

**SUBJECT:** Proposed acquisition of approximately 270 acres of open space land located northerly of Portsmouth Street and southerly of Curtisville Road, as approved by the Conservation Commission, and the appropriation of up to nine hundred and seventy-five thousand dollars (\$975,000) in bonds or notes under resolution No. 7661 of the City Council, adopted on September 13, 2004, and the appropriation of up to fifty thousand dollars (\$50,000) from the Forestry Trust Fund.

### Recommendation

Set a public hearing for the August 12, 2013 City Council meeting, for the proposed acquisition of approximately 270 acres of open space land located northerly of Portsmouth Street and southerly of Curtisville Road, as approved by the Conservation Commission, and the appropriation of up to nine hundred and seventy-five thousand dollars (\$975,000) in bonds or notes under resolution No. 7661 of the City Council, adopted on September 13, 2004, and the appropriation of up to fifty thousand dollars (\$50,000) from the Forestry Trust Fund.

### Background

The property proposed for acquisition consists of three contiguous parcels of land located in the Broken Ground area of Concord, and is known as the Whispering Heights Subdivision. The Planning Board granted conditional approval of the subdivision in 2008, but the conditions of approval were not satisfied, the plan was never recorded, and the final extension of the subdivision approval expired on April 16, 2013.

The subdivision went through a lengthy, three-year Planning Board approval process that involved extensive public comment. During this approval period and after, public interest in acquiring the property increased and the Conservation Commission tried to negotiate the purchase of the land. A summary of the Conservation Commission actions are listed below:

- During the Planning Board approval process, a group of residents sent a letter to the City Council, urging the City to acquire the property. The request was referred to the Conservation Commission, and the Commission tried to negotiate a purchase. The owners expressed an interest in selling the land based on the value of the individual house lots proposed within the subdivision, which was approximately \$6 million. The parties could not agree on the value.

- In 2006, after receiving a second letter from residents urging the acquisition of the Broken Ground property, including both the Whispering Heights Subdivision land and the Hoag property to the east, the Commission sent a letter to the owners expressing their continued interest in purchasing the property.
- In 2008, the subdivision was listed on the MLS for approximately \$2.4 million. The Commission reviewed the possibility of purchasing the property and spoke with the owners, but the land was still too expensive for the Commission to consider acquisition.
- In July 2012, the Conservation Commission contracted with an appraiser to have the property appraised. Since the initial Planning Board application in 2005, the residential market in Concord has slowed significantly due to the recession. In 2013, the market for single-family residential lots does not support a subdivision of this scale. The owners have actively tried to sell the development, and the land has been listed at prices ranging from \$3.5 million to \$1.2 million. Only recently has the property approached a reasonable price for open space protection.
- In September 2012, the Conservation Commission received the appraisal and entered into negotiations with the landowners, based on the appraised value of the land.
- On March 20, 2013, the Conservation Commission held a public hearing regarding the acquisition of the Whispering Heights Subdivision property. The Commission took public testimony from approximately 25 people. After considering the testimony and discussion among the Commissioners, the Commission voted unanimously to purchase the property utilizing bonds and notes appropriated to the Conservation Fund, in an amount up to \$975,000, and also voted to utilize the funds available on deposit in the Conservation Trust Fund to cover any miscellaneous closing costs.
- The landowners had initially planned to conduct a one-time timber sale on the property to recoup some of the standing timber value. On May 8, 2013, the Conservation Commission discussed the possibility of a payment in lieu of logging and recommended that the City offer a payment of half the timber value that would have been removed, as determined by the City's licensed professional forester. The City's forester determined that half the value of the standing timber was approximately \$50,000.
- On June 12, 2013, the Conservation Commission unanimously voted to offer an additional \$50,000 to be paid from the Forestry Trust Fund, to compensate the landowners for half of the value they would have received from a timber harvest. This would keep the land in its current condition and allows the City the opportunity to extract the full timber value from the property at a later date, using the City's forester and done in a way that supports our forest management goals.

## **Discussion**

### ***Unique Features of the Property***

The land is known for its scenic marsh off of Curtisville Road and also serves as the gateway to the Broken Ground land area. East Concord residents use the property informally for hiking, hunting and other outdoor recreational activities. The land is located in an area of Concord that is underrepresented in the amount of land that is permanently protected as open space. All residents of the City should have close and easy access to conservation land.

The 270-acre property includes 175 acres of buildable land, 53.4 acres of wetlands, 34.4 acres of steep slopes greater than 15%, 6.7 acres within the existing PSNH utility right-of-way, and 2.6 acres within an easement to Unital.

In 2010, the Conservation Commission contracted with an ecologist to review priority areas for wildlife habitat within the City. The entire Broken Ground area of Concord was identified as a priority area for wildlife habitat. The report commented that this region contains "the largest unfragmented block, embedded with wetlands and open lands with habitat and connectivity for wide-ranging species." The area contains exemplary natural communities with high potential for rare species.

A Phase I-B archeological study was completed in February 2006 as part of the subdivision application, and two historic stone foundations were documented on the property.

### ***Master Plan Consistency***

The purchase of the Whispering Heights property is consistent with the Master Plan 2030 for the following reasons:

- The purchase would reduce the total amount of development in the Open Space Residential District directing growth to the areas served by municipal utilities within the urban growth boundary. This is consistent with the Future Land Use plan for the City of Concord.
- The property contains productive forest lands and wildlife habitat. The protection of these natural resources is noted as a goal in the Conservation and Open Space chapter of the Master Plan.
- The Conservation and Open Space chapter states the following in regards to the priorities for open space protection in the Broken Ground area: "*Public acquisition is recommended for most of Broken Ground in recognition of its diverse environment, its value as a large unfragmented habitat for a wide range of wildlife, as well as the range of recreational uses it offers to the public.*"
- The Conservation and Open Space chapter includes the following primary criteria for land acquisition, "*vulnerability to development or other alteration and the potential for immediate public utilization.*" The Master Plan goals further go on to recommend that "*All of the land not publicly owned or otherwise protected*" within the Broken Ground area be considered a priority for public land acquisition.

### ***Funding***

In 2004, the City Council appropriated \$5,000,000 to the Conservation Fund for the acquisition of conservation easements or open space land by the City and authorized the issuance of bonds and notes for open space acquisition, in accordance with New Hampshire RSA 79 A:25 (II). The Commission has used the bond on three occasions; in 2005 for the purchase of the Dimond Hill Farm conservation easement, in 2006 for the fee simple acquisition of agricultural land along the Merrimack River off of exit 16, and in 2012 for the purchase of the Maplewood Farm conservation easement. Of the \$5,000,000 in bonds appropriated to the Trust, \$3,460,000 remains for the purchase of land or easements. For the most part, the Commission relies on the money available in the Conservation Fund for open space purchases, which currently has a balance of \$609,491.

The Commission is proposing to bond the purchase of the Whispering Heights because the trust fund does not have enough money to support the entire purchase price at this time and interest rates are very low. A copy of the original resolution appropriating the \$5,000,000 in bonds and notes to the trust has been included with this report. Also attached is an estimated and projected debt service schedule on a \$975,000 20-year bond showing equal principal payments. The schedule was run assuming a coupon rate of 3.50%, a fairly conservative estimate based on current market conditions, however still subject to change. The equal principal payments schedule (as opposed to level debt service payments like a mortgage) was recommended by Finance.

The Conservation Commission may appropriate money from the Conservation Fund for purposes contained in RSA 36-A, which include the purchase of conservation land and easements. After a duly noticed public hearing on March 20, 2013, the Commission voted unanimously to purchase the property utilizing bonds and notes appropriated to the Conservation Fund, in an amount up to \$975,000, and also voted to utilize the funds available on deposit in the Conservation Trust Fund to cover any miscellaneous closing costs.

As part of the negotiations with the landowners, the Commission is proposing to offer an additional \$50,000 to be paid from the Forestry Trust Fund, to compensate the landowners for half of the value they would have received from a one-time timber harvest. This money was not included in the fiscal year 2014 budget and will need to be appropriated by the City Council at a public hearing. A separate resolution has been provided for the appropriation of these funds. The Forestry Trust Fund has a balance of \$471,441 and the funds may be used for forestry or trail related purchases. The fund trust will eventually be replenished when the City conducts its own timber harvest on the property in the future.

#### Summary

Appraised value of the land.....\$975,000

Total funding from the Conservation Fund.....\$975,000

Estimated standing timber value (liquidation value is \$120,000, but the value of timber to be removed from the site was about \$90,000).....\$120,000

Total funding from the Forestry Trust Fund  
for timber.....\$50,000

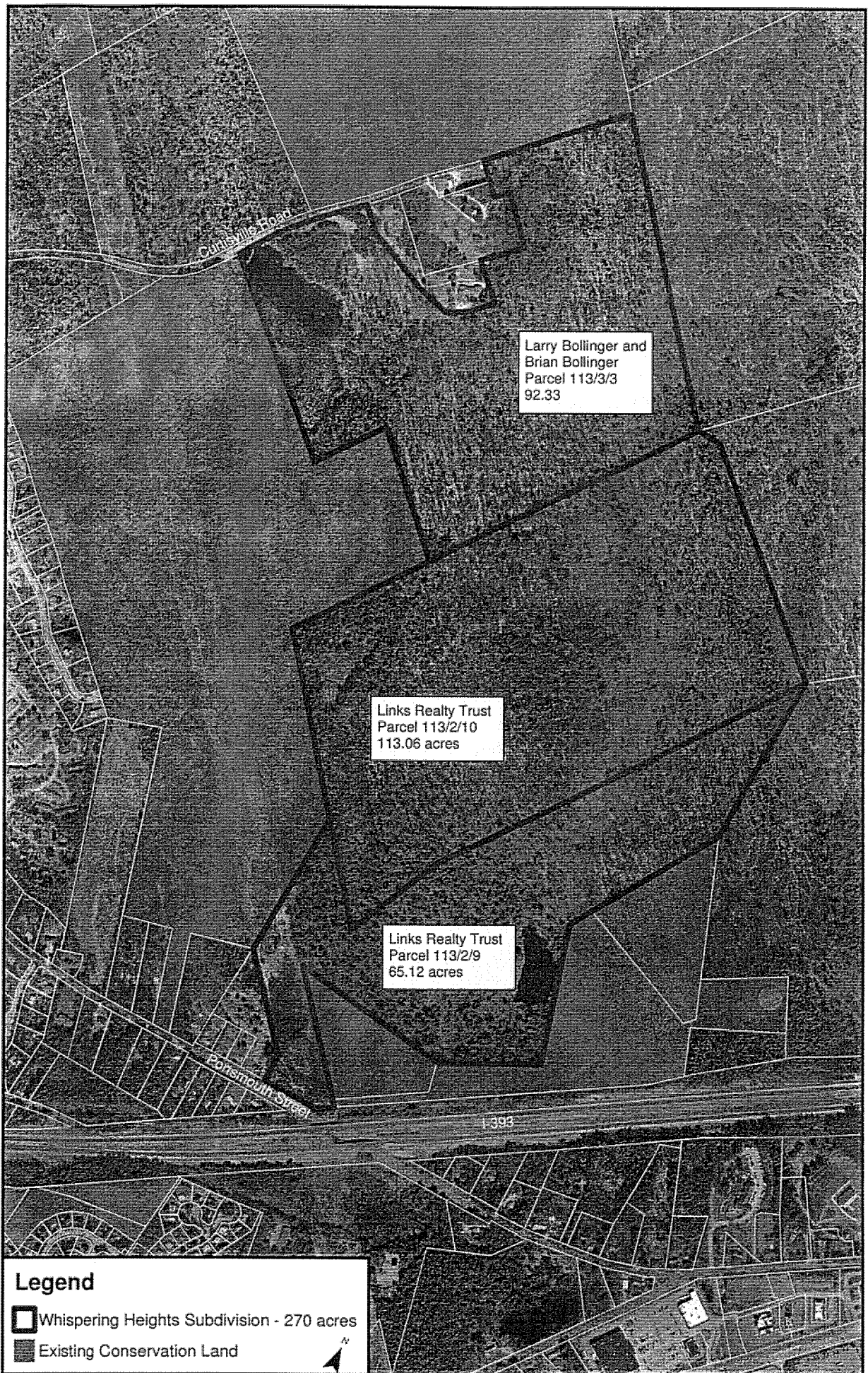
#### *Next Steps*

The Planning Division is working with the Legal Department to finalize a purchase and sale agreement. Once the P&S is signed, the City will perform an environmental analysis and title search of the property as part of its routine due diligence to ensure that there are no outstanding issues.

**City of Concord, New Hampshire**  
**\$975,000 General Obligation Bonds Dated January 15, 2014**  
*Land Acquisition*  
*Assumes Equal Principal - 20 Years @ 3.50%*

**Proposed Debt Service Schedule**

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
01/15/2014	-	-	-	-	-
07/15/2014	-	-	17,062.50	17,062.50	-
01/15/2015	50,000.00	3.500%	17,062.50	67,062.50	-
06/30/2015	-	-	-	-	84,125.00
07/15/2015	-	-	16,187.50	16,187.50	-
01/15/2016	50,000.00	3.500%	16,187.50	66,187.50	-
06/30/2016	-	-	-	-	82,375.00
07/15/2016	-	-	15,312.50	15,312.50	-
01/15/2017	50,000.00	3.500%	15,312.50	65,312.50	-
06/30/2017	-	-	-	-	80,625.00
07/15/2017	-	-	14,437.50	14,437.50	-
01/15/2018	50,000.00	3.500%	14,437.50	64,437.50	-
06/30/2018	-	-	-	-	78,875.00
07/15/2018	-	-	13,562.50	13,562.50	-
01/15/2019	50,000.00	3.500%	13,562.50	63,562.50	-
06/30/2019	-	-	-	-	77,125.00
07/15/2019	-	-	12,687.50	12,687.50	-
01/15/2020	50,000.00	3.500%	12,687.50	62,687.50	-
06/30/2020	-	-	-	-	75,375.00
07/15/2020	-	-	11,812.50	11,812.50	-
01/15/2021	50,000.00	3.500%	11,812.50	61,812.50	-
06/30/2021	-	-	-	-	73,625.00
07/15/2021	-	-	10,937.50	10,937.50	-
01/15/2022	50,000.00	3.500%	10,937.50	60,937.50	-
06/30/2022	-	-	-	-	71,875.00
07/15/2022	-	-	10,062.50	10,062.50	-
01/15/2023	50,000.00	3.500%	10,062.50	60,062.50	-
06/30/2023	-	-	-	-	70,125.00
07/15/2023	-	-	9,187.50	9,187.50	-
01/15/2024	50,000.00	3.500%	9,187.50	59,187.50	-
06/30/2024	-	-	-	-	68,375.00
07/15/2024	-	-	8,312.50	8,312.50	-
01/15/2025	50,000.00	3.500%	8,312.50	58,312.50	-
06/30/2025	-	-	-	-	66,625.00
07/15/2025	-	-	7,437.50	7,437.50	-
01/15/2026	50,000.00	3.500%	7,437.50	57,437.50	-
06/30/2026	-	-	-	-	64,875.00
07/15/2026	-	-	6,562.50	6,562.50	-
01/15/2027	50,000.00	3.500%	6,562.50	56,562.50	-
06/30/2027	-	-	-	-	63,125.00
07/15/2027	-	-	5,687.50	5,687.50	-
01/15/2028	50,000.00	3.500%	5,687.50	55,687.50	-
06/30/2028	-	-	-	-	61,375.00
07/15/2028	-	-	4,812.50	4,812.50	-
01/15/2029	50,000.00	3.500%	4,812.50	54,812.50	-
06/30/2029	-	-	-	-	59,625.00
07/15/2029	-	-	3,937.50	3,937.50	-
01/15/2030	45,000.00	3.500%	3,937.50	48,937.50	-
06/30/2030	-	-	-	-	52,875.00
07/15/2030	-	-	3,150.00	3,150.00	-
01/15/2031	45,000.00	3.500%	3,150.00	48,150.00	-
06/30/2031	-	-	-	-	51,300.00
07/15/2031	-	-	2,362.50	2,362.50	-
01/15/2032	45,000.00	3.500%	2,362.50	47,362.50	-
06/30/2032	-	-	-	-	49,725.00
07/15/2032	-	-	1,575.00	1,575.00	-
01/15/2033	45,000.00	3.500%	1,575.00	46,575.00	-
06/30/2033	-	-	-	-	48,150.00
07/15/2033	-	-	787.50	787.50	-
01/15/2034	45,000.00	3.500%	787.50	45,787.50	-
06/30/2034	-	-	-	-	46,575.00
<b>Total</b>	<b>\$975,000.00</b>	<b>-</b>	<b>\$351,750.00</b>	<b>\$1,326,750.00</b>	<b>-</b>



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# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** AUTHORIZING AND APPROPRIATING FIFTY THOUSAND DOLLARS (\$50,000) FROM THE FORESTRY TRUST FUND FOR THE PURCHASE OF TIMBER RIGHTS ON 270 ACRES OF LAND OFF OF CURTISVILLE ROAD AND PORTSMOUTH STREET KNOWN AS TAX MAP PARCELS 113/3/3, 113/2/10 AND 113/2/9, IN CONJUNCTION WITH THE PURCHASE OF THE HEREIN DESCRIBED PROPERTY

PAGE 1 OF 2

*The City of Concord resolves as follows:*

- WHEREAS,** Brian R. Bollinger and Larry R. Bollinger intend to convey one parcel of land containing approximately 94 acres located off of Curtisville Road and legally described as Tax Map Parcel 113/3/3 and described in a deed recorded at the Merrimack County Registry of Deeds as Book 3359, Page 1674; and Kurt Meisner, Trustee of the Links Realty Trust, intends to convey two parcels of land containing approximately 176 acres of land located off of Portsmouth Street and legally described as Tax Map Parcels 113/2/10 and 113/2/9, and described in a deed recorded at the Merrimack County Registry of Deeds as Book 2889, Page 1064, to the City; and
- WHEREAS,** as a condition of the negotiated sale of the property the landowners initially asked to conduct a one-time timber sale on the property to recoup some of the standing timber value; and
- WHEREAS,** the City Council did not agree to the one-time timber sale and wanted to discuss other options with the landowners; and
- WHEREAS,** the Conservation Commission discussed the possibility of a payment in lieu of logging at their meeting on May 8<sup>th</sup> and recommended that the landowners be offered a payment of up to half the value of the timber that would have been removed under a City supervised logging operation; and
- WHEREAS,** the City's licensed professional forester determined that half of the standing timber that would have been logged would be worth approximately \$50,000; and
- WHEREAS,** on June 12, 2013, the Conservation Commission unanimously voted to recommend offering \$50,000 to be paid from the Forestry Trust Fund to compensate the landowners for approximately half the value of the standing timber included in the proposed harvest; and
- WHEREAS,** this appropriation is for a purpose not included in the FY2014 adopted budget, therefore Section 37 of the City Charter requires a two thirds roll call vote of the City Council.

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** AUTHORIZING AND APPROPRIATING FIFTY THOUSAND DOLLARS (\$50,000) FROM THE FORESTRY TRUST FUND FOR THE PURCHASE OF TIMBER RIGHTS ON 270 ACRES OF LAND OFF OF CURTISVILLE ROAD AND PORTSMOUTH STREET KNOWN AS TAX MAP PARCELS 113/3/3, 113/2/10 AND 113/2/9, IN CONJUNCTION WITH THE PURCHASE OF THE HEREIN DESCRIBED PROPERTY

PAGE 2 OF 2

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The sum of .....\$50,000  
be and is hereby appropriated as follows:

Conservation Commission Fund

Planning Department

Purchase of Timber Rights.....\$50,000

- 2) Revenue for this project is available as follows:

Forestry Reserve.....\$50,000

- 3) Sums as appropriated shall be expended under the direction of the City Manager.
- 4) This resolution shall take effect upon its passage.

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking.

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking, by creating a new Article 18-4, Miscellaneous, as follows:

**18-4-1 - Powers Granted to the City Manager.**

The City Manager or his/her designee shall have the authority to temporarily waive, modify, or suspend any and all parking regulations set forth within the CODE OF ORDINANCES; Title II, Traffic Code; Chapter 18, Parking; Articles 18-1, 18-2, and 18-3, on an as needed basis in order to facilitate construction of infrastructure improvements. Infrastructure improvements shall include, but not be limited to, construction or reconstruction of highways, sidewalks, utilities, and streetscape treatments such as street furnishings, lighting, and landscaping.

With as much advanced notice as practical, the City shall make reasonable efforts to notify the public of the temporary waiver, modification, or suspension of the parking regulations. The public notification process may include posting of the parking ordinance modifications on the City's website, Concord TV, providing notice to local media outlets, or other method as approved by the City Manager. Said waiver, modification, or suspension of parking regulations shall become effective immediately upon posting of signage describing said changes in the vicinity of the affected parking spaces. Specifically, signage shall be installed at the beginning point and end point of the affected area, and at reasonable intervals between the beginning and end points of the affected area. The termination of the temporary waiver, modification, or suspension of the parking regulations shall become effective immediately upon the removal of said signage. Notification of the termination of the temporary waiver, modification, or suspension of the parking regulations shall be the same as for its declaration.

**SECTION II:** This ordinance shall take effect upon its passage.





# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Matthew R. Walsh, Assistant for Special Projects

**DATE:** July 1, 2013

**SUBJECT:** Parking Ordinance Article 18-4

**Recommendation:**

- Accept the following report; and,
- Set the attached ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking; Article 18-4, Miscellaneous; Section 18-4-1, Powers Granted to the City Manager for public hearing on August 12, 2013.

**Background:**

Parking is regulated by a set of ordinances included within Title II, Chapter 18 of the City's Code of Ordinances. Article 18-1 regulates stopping, standing, and parking. Article 18-2 regulates restricted parking in residential areas. Article 18-3 regulates the City's metered parking system.

**Discussion:**

The attached ordinance will create Article 18-4 in the Code of Ordinances. This would be an entirely new ordinance. Section 18-4-1 within this new ordinance is designed to grant the City Manager or his/her designee the authority to temporarily waive, modify, or suspend any parking ordinances in connection with the construction of an infrastructure improvement project. Any change stemming from this ordinance will only take effect upon posting of signage within an affected area. The City will provide as much advanced notice as practical.

The genesis of this ordinance is the Downtown Complete Streets Project. Given the scope and duration of this project, the City Administration is acutely aware of the need to be able to quickly and nimbly respond to parking needs and concerns on an as needed basis in order to maintain and preserve commerce in the project area. This ordinance would give the City Manager that much needed flexibility, thus helping to support commerce in Downtown for the duration of the project. Once work in a specific area is completed, the emergency parking changes enacted by the City Manager would be lifted and the original ordinances restored.

While this ordinance change was necessitated by the Complete Streets Project, it has been broadly drafted to allow for us in other portions of the City on an as needed basis.

The City currently has an ordinance which allows the City Manager to declare parking maintenance bans under Article 18-1-22(c), however staff has determined that this ordinance is inadequate to provide the flexibility needed to address the parking issues which may arise during the Complete Streets Project. As the City Council is aware, if this ordinance is not passed, it would take the City a minimum of 60 days to modify any parking ordinances using the City Council's traditional public hearing process. Such a delay could be damaging for downtown commerce. Also, delaying the progression of construction activities in order to accommodate the traditional ordinance amendment process could unnecessarily prolong construction activities. Again, this too would not be in the best interests of downtown merchants.

For these reasons staff supports passage of this ordinance prior to start of construction of the Downtown Complete Street Project in September.

# CITY OF CONCORD

7-10  
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*In the year of our Lord two thousand and thirteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, by deleting the following positions:

Position	Grade
Parking Manager	21
Assistant for Special Projects	23

**SECTION II:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, by adding the following positions:

Position	FLSA	Grade
Revenue Account Specialist	Non-exempt	13
Parking Supervisor	Non-exempt	17
Director of Redevelopment, Downtown Services & Special Projects	Exempt	24

**SECTION III:** Amend the CODE OF ORDINANCES, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, by amending the grade of the following positions:

Position	From Grade	To Grade
City Clerk	23	24
Deputy Fire Chief	23	24
Deputy Police Chief	23	24
Human Services Director	23	24

**SECTION IV:** This ordinance shall take effect upon its passage.





# CITY OF CONCORD

17A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Jennifer Johnston, Director of Human Resources and Labor Relations

**DATE:** June 28, 2013

**SUBJECT:** Amend Schedule D to Add, Eliminate and Modify the Positions Specified in the Attached Ordinance

### Recommendation

It is requested and recommended that the City Council accept this report and set a public hearing date in August for the proposed ordinance to amend Schedule D.

### Background

The City Manager is requesting that the attached positions of Parking Supervisor, Director of Redevelopment, Downtown Services, & Special Projects, and Revenue Account Specialist be added to Schedule D of Article 35-2 of the City Code of Ordinances to address the needs of the Police Department-Parking Division, the City Administration Department and the Finance Department-Collections Division as described to the City Council during the FY 2014 budget deliberations.

Further, the City Manager is requesting that the attached positions of Parking Manager and Assistant for Special Projects be eliminated from Schedule D of Article 35-2 of the City Code of Ordinances to allow for the addition of the Parking Supervisor Position and the Director of Redevelopment Position, as described to the City Council during the FY 2014 budget deliberations.

Finally, the City Manager is requesting that the attached positions of Deputy Police Chief, Deputy Fire Chief, City Clerk and Human Services Director be modified in Schedule D of Article 35-2 of the City Code of Ordinances to allow for the elevation in labor grade from 23 to 24, as described to the City Council during the FY 2014 budget deliberations.

### Discussion

The added positions have been classified as per the attached ordinance and will be added to schedule D in order to place them within the City's position classification system. The modified positions have been classified as per the attached ordinance and will be added to schedule D in order to place them appropriately within the City's position classification system.

In order to accomplish the aforementioned, the City Council would have to set a public hearing for August and then approve the positions as per the attached ordinance.

Respectfully Submitted,

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Jennifer Johnston

cc: Thomas J. Aspell Jr., City Manager

# CITY OF CONCORD

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7-11

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING THE SUM OF SEVENTY SIX THOUSAND EIGHT HUNDRED NINETY EIGHT DOLLARS (\$76,898) FOR THE PURPOSE OF INSTALLING FRANGIBLE MOUNTS AND A BEACON ON THE LOCALIZER FOR RUNWAY 17/35 INCLUDING SIXTY NINE THOUSAND TWO HUNDRED EIGHT DOLLARS (\$69,208) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) AND THREE THOUSAND EIGHT HUNDRED FORTY FIVE DOLLARS (\$3,845) FROM THE STATE OF NEW HAMPSHIRE AND THREE THOUSAND EIGHT HUNDRED FORTY FIVE DOLLARS (\$3,845) FROM THE CITY OF CONCORD.

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** the project was noted as CIP #53 in the 2014 Capital Budget; and

**WHEREAS,** Resolution #8652 approved at the April 8, 2013 City Council meeting authorized the City Manager to apply for a grant in the amount up to \$73,000 and a total amount of \$76,898 is now necessary; and

**WHEREAS,** the additional \$3,898 is the cost for project administration by the City and Jacobs Engineering; and

**WHEREAS,** the City's share in the amount of \$3,845 was appropriated from Airport Capital Transfer; and

**WHEREAS,** this appropriation is for a purpose of which \$3,898 was not included in the FY2014 adopted budget, therefore Section 37 of the City Charter requires a two thirds roll call vote of the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The sum of .....\$76,898  
be and is hereby appropriated as follows:

General Capital Fund

Community Development Engineering Services Division

Localizer Compliance .....\$76,898

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING THE SUM OF SEVENTY SIX THOUSAND EIGHT HUNDRED NINETY EIGHT DOLLARS (\$76,898) FOR THE PURPOSE OF INSTALLING FRANGIBLE MOUNTS AND A BEACON ON THE LOCALIZER FOR RUNWAY 17/35 INCLUDING SIXTY NINE THOUSAND TWO HUNDRED EIGHT DOLLARS (\$69,208) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) AND THREE THOUSAND EIGHT HUNDRED FORTY FIVE DOLLARS (\$3,845) FROM THE STATE OF NEW HAMPSHIRE AND THREE THOUSAND EIGHT HUNDRED FORTY FIVE DOLLARS (\$3,845) FROM THE CITY OF CONCORD.

Page 2 of 2

2) Revenue is available as follows:

General Capital Fund

Federal Aviation Administration .....	\$69,208
New Hampshire Department of Transportation Bureau of Aeronautics .....	\$ 3,845
City of Concord – Airport Capital Transfer.....	\$ 3,845

- 3) Sums as appropriated shall be administered under the direction of the City Manager.
- 4) This resolution shall take effect upon its passage and grant award by the State of New Hampshire and the Federal Aviation Administration.



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Martha Drukker, Associate Engineer

**DATE:** June 19, 2013

**SUBJECT:** Municipal Airport Appropriating Resolution and Grant Agreements  
– CIP #53 Localizer Compliance

### Recommendation

Appropriate \$76,898 (\$69,208 Federal share, \$3,845 State share, and \$3,845 City share) in grant funds and reduce the City share in the amount of \$17,900 in capital transfer to \$3,845 for the installation of frangible mounts and a lighted beacon on the localizer to Runway 17/35 as programmed in the Capital Budget.

Authorize the City Manager to enter into a grant agreement with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics for the purpose of administering the installation of compliance equipment on the localizer at the airport.

Authorize the City Manager to enter into a grant agreement with the Federal Aviation Administration (FAA) for the purpose of installing the compliance equipment on the localizer and reimbursing them for this service.

### Background

The city applied for a grant on May 23, 2013 to the Federal Aviation Administration (FAA) to upgrade the existing localizer so it complies with minimum standards within the runway object free area. The requested funding up to \$76,898 of which 90% is the federal share (\$69,208), 5% is the state share (\$3,845) and 5% is the city share (\$3,845).

In 2010, FAA reduced the approach flying minimums on Runway 17/35 which resulted in an expansion of the object free area. This resulted in the localizer within the object free zone. The localizer is owned and maintained by FAA.

FAA required a Runway Safety Determination Study be completed to recommend measures to comply with the safety requirements of the object free area.

## Discussion

The study recommended the localizer be equipped with frangible mounts and a beacon be installed on the structure. This is an interim measure to maintain compliance until a permanent solution is approved when Runway 17/35 is reconstructed as programmed in the out years of the Capital Improvement Budget. Upon grant award, the City Manager will be authorized to enter into an agreement with NHDOT to provide overall project administration and FAA to perform the work on the localizer.

In the agreement with FAA, the City is required to pay 100% of the project cost up front to FAA and upon project completion can submit for reimbursement.

The project cost difference of \$3,898 requested herein for appropriation is the cost associated with project administration by City staff and Jacobs Engineering, the City's airport consultant.

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# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING THE SUM OF ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) FOR THE PURPOSE OF CONSTRUCTING PHASE I OF THE PARALLEL TAXIWAY TO RUNWAY 12/30 INCLUDING ONE MILLION EIGHTY THOUSAND DOLLARS (\$1,080,000) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) AND SIXTY THOUSAND DOLLARS (\$60,000) FROM THE STATE OF NEW HAMPSHIRE AND SIXTY THOUSAND DOLLARS (\$60,000) FROM THE CITY OF CONCORD AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR CIP #73.

PAGE 1 OF 2

*The City of Concord resolves as follows:*

**WHEREAS,** the project was noted as CIP #73 in the 2014 Capital Budget; and

**WHEREAS,** Resolution #8653 approved at the April 8, 2013 City Council meeting authorized the City Manager to apply for a grant in the amount up to \$1,340,000 and only \$1,200,000 shall be necessary to complete Phase I of the project and is included in a subsequent resolution; and

**WHEREAS,** the appropriating sum of \$1,200,000 includes \$30,377 as the contingency portion of the project to be used upon approval of FAA and NHDOT; and

**WHEREAS,** the Airport Advisory Committee recommends that the City Council approve this appropriation; and

**WHEREAS,** the City's portion in the amount of \$60,000 will be appropriated from Airport General Obligation Bonds; and

**WHEREAS,** RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution, which shall be taken by roll call vote.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The sum of .....\$1,200,000  
be and is hereby appropriated as follows:

General Capital Fund

Community Development Engineering Services Division

Construct Parallel Taxiway 12/30 CIP #73 .....\$1,200,000

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING THE SUM OF ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) FOR THE PURPOSE OF CONSTRUCTING PHASE I OF THE PARALLEL TAXIWAY TO RUNWAY 12/30 INCLUDING ONE MILLION EIGHTY THOUSAND DOLLARS (\$1,080,000) IN GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) AND SIXTY THOUSAND DOLLARS (\$60,000) FROM THE STATE OF NEW HAMPSHIRE AND SIXTY THOUSAND DOLLARS (\$60,000) FROM THE CITY OF CONCORD AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR CIP #73.

PAGE 2 OF 2

2) Revenue is available as follows:

General Capital Fund

Federal Aviation Administration .....	\$1,080,000
New Hampshire Department of Transportation, Bureau of Aeronautics \$	60,000
City-General Obligation Bonds.....	\$ 60,000
Total .....	\$1,200,000

- 3) In order to meet said expenditure the City Treasurer, with approval of the City Manager, is authorized to issue up to \$60,000 in bonds and notes of the City of Concord under the Municipal Finance Act.
- 4) The discretion of the fixing of dates, maturities, rate of interest, form and other details of such bonds and notes and providing for the sale are hereby delegated to the City Treasurer.
- 5) The useful life of the improvements is expected to be in excess of twenty (20) years.
- 6) Sums as appropriated shall be administered under the direction of the City Manager.
- 7) This resolution shall take effect upon its passage and grant award by the State of New Hampshire and the Federal Aviation Administration.



# CITY OF CONCORD

12A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Martha Drukker, Associate Engineer

**DATE:** June 24, 2013

**SUBJECT:** Municipal Airport Grant Application – CIP # 73 Construct Parallel Taxiway 12/30, Phase I

### Recommendation

Appropriate \$1,200,000 (\$1,080,000 Federal share, \$60,000 State share and \$60,000 City share) in grant funds for the purpose of constructing the easterly portion of the parallel taxiway for runway 12/30 programmed in the Capital Budget.

Authorize the City Manager to enter into a Grant Agreement for up to \$1,200,000 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics to construct Phase I of the Parallel Taxiway to Runway 12/30 and to revise the total Grant Application request for Phase I and II to a total of \$3,031,847.

### Background

The City applied for a grant on May 23, 2013 to the Federal Aviation Administration (FAA) to construct a parallel taxiway for Runway 12/30. The requested funding up to \$1,200,000 of which 90% is the federal share (\$1,080,000), 5% is the state share (\$60,000) and 5% is the city share (\$60,000).

The parallel taxiway eliminates the need to 'back' taxi on Runway 12/30 which is a safety concern. FAA design criteria notes that runways should have parallel taxiways to enhance operational safety and capacity (source: FAA Advisory Circular 150/5300-13, Airport Design). The parallel taxiway is included in the Conservation Management Agreement signed in 2001 and recommended in the 2006 Airport Master Plan.

The new taxiway will serve Runway 12/30 and will be approximately 3,600 feet long. The new taxiway pavement will be 35' wide and will have green in-pavement taxiway lighting on the centerline. The taxiway will be constructed with new pavement, base material and drainage. Grading adjacent to the taxiway will be required for drainage and to meet the FAA safety area criteria.

## Discussion

The new taxiway will have an impact on some of the wildlife habitat within the designated conservation zones. Staff and the City's consultant, Jacobs Engineering have coordinated with State and Federal agencies to approve a mitigation management plan to be implemented in phases over the next 5-10 years. This plan will be administered by the New Hampshire Department of Fish and Game. Once final mitigation costs are determined, the City will need to enter into an agreement with NHF&G to administer the Management Plan.

On May 23, 2013, the NHDOT applied for a grant application to FAA for the total project cost (Phase I and Phase II) in the amount of \$3,031,847. If FAA discretionary funds do become available, NHDOT will be able to secure these funds and to accelerate Phase II project construction pending appropriation of the local and State match.

The executed municipal grant agreement between the City and NHDOT will be for Phase I in the amount of \$1,200,000. Phase II funds are programmed in the FY2015 Capital Budget. The municipal agreement allows the City to provide construction administration for the project. Phase I construction is anticipated to begin in the fall of 2013 and completed in the spring of 2014.

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# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** ACCEPT AND APPROPRIATE THE SUM OF TWENTY-SEVEN THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS (\$27,717) IN UNMATCHED GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM DESIGNATED FOR LAW ENFORCEMENT RELATED PROGRAMS.

Page 1 of 2

*The City of Concord resolves as follows:*

- WHEREAS,** the Concord Police Department has received notification from the United States Department of Justice, Office of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program that we have been awarded a grant in the amount of twenty seven thousand seven hundred seventeen dollars (\$27,717); and
- WHEREAS,** the Concord Police Department desires to procure police equipment and training in the amount of \$23,000; and
- WHEREAS,** there is no match required for accepting these funds; and
- WHEREAS,** the Concord Police Department is entering into a Memorandum of Understanding with the Merrimack County Sheriff's Office to pass through the remaining \$4,717 to the County; and
- WHEREAS,** this appropriation is for a purpose not included in the adopted budget, therefore Section 37 of the City Charter requires a two-thirds vote of the City Council.

***NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:***

1. The sum of .....\$27,717  
be and is hereby appropriated as follows:

Miscellaneous Special Revenue Fund

Police Department

Police Equipment / Professional Development .....\$23,000

Due to Merrimack County .....\$ 4,717

Total.....\$27,717

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

## RESOLUTION

ACCEPT AND APPROPRIATE THE SUM OF TWENTY-SEVEN THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS (\$27,717) IN UNMATCHED GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM DESIGNATED FOR LAW ENFORCEMENT RELATED PROGRAMS.

Page 2 of 2

2. Revenue for this project is available as follows:

Miscellaneous Special Revenue Fund

United States Department of Justice

Edward Byrne Memorial Justice Assistance Grant .....\$27,717

3. Sums as appropriated shall be administered under the direction of the City Manager.
4. This resolution shall take effect upon its passage.



John F. Duval  
Chief of Police

# City of Concord, New Hampshire

## POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

17A

### REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Lieutenant Gregory S. Taylor, Police Department

DATE: June 17, 2013

SUBJECT: 2013 Edward Byrne Memorial Justice Assistance Grant Appropriation

**Recommendation** - Approve the attached resolution for \$27,717 in unmatched funding from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program.

**Background** – During the past several years, the Police Department has received grants from the United States Department of Justice, Office of Justice Programs, which have been used to make technological upgrades, purchase new equipment, and provide training for Department personnel. These awards have been shared with the Merrimack County Sheriff's Office who has also made technological enhancements with these funds.

**Discussion** – This grant will allow for the Concord Police Department to replace and update older technologies currently in use and also purchase new equipment needed to maintain our efforts in an ever changing law enforcement environment. In addition, these funds will be utilized to offset costs associated with providing enhanced training to Department personnel in specialized areas. As with prior years, there is no match required for this grant; however we again will have to enter into a Memorandum of Understanding with the County on programming and the allotment of the funds. Under this grant the Police Department will receive \$23,000 for technological upgrades, equipment purchases, and training, while the Merrimack County Sheriff's Department will receive \$4,717.00.

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# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** AUTHORIZING THE ISSUANCE OF UP TO THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000) IN NOTES TO REFINANCE OUTSTANDING LOANS OF THE CITY OBTAINED THROUGH THE STATE REVOLVING LOAN FUND TO ACHIEVE INTEREST COST AND OTHER SAVINGS.

Page 1 of 2

*The City of Concord resolves as follows:*

- WHEREAS,** the City of Concord previously issued state revolving loans administered by the State of New Hampshire Department of Environmental Services; and
- WHEREAS,** the City will save approximately \$281,321.52 over the remaining life of these loans; and
- WHEREAS,** the City Manager recommends proceeding with refinancing the below-cited debt; and
- WHEREAS,** RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond/notes resolution, which shall be taken by roll call vote.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The City Treasurer, with the approval of the City Manager, is authorized to borrow such amounts as may be necessary, not to exceed Three Million and Four Hundred Thousand Dollars (\$3,400,000), and to issue refinancing loans under RSA 33:3-d in order to refinance, all or a portion of, the outstanding state revolving loans, including without limitation the loans listed below.

Issue

Date of Loans

State Revolving Loan (CS-330157-05)

July 1, 2005

State Revolving Loan (CS-330157-06)

January 1, 2006

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** AUTHORIZING THE ISSUANCE OF UP TO THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000) IN NOTES TO REFINANCE OUTSTANDING LOANS OF THE CITY OBTAINED THROUGH THE STATE REVOLVING LOAN FUND TO ACHIEVE INTEREST COST AND OTHER SAVINGS.

Page 2 of 2

- 2) The discretion of fixing the amount, dates, maturities, rates of interest, form and other details of such loans and the manner of sale of the same is hereby delegated to the City Treasurer.
- 3) The City Treasurer and the City Manager are authorized to enter into, execute and deliver such documents as are necessary to effect such refinancing, such documents to include, without limitation, a Loan Agreement; and such individuals are also authorized to take such other actions as may be necessary to effect this resolution.
- 4) This resolution shall take effect upon its passage.



# CITY OF CONCORD

12A

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Michael P. Jache, City Treasurer  
**DATE:** June 21, 2013  
**SUBJECT:** Refinancing State Revolving Loans

### Recommendation

Recommend approval of the attached resolution refinancing two Department of Environmental Services State Revolving Loan Fund (SRF) loans in an amount not to exceed three million four hundred thousand dollars (\$3,400,000) for the City's Waste Water Fund.

### Background

For many years the City has had the option of issuing loans for qualifying Water and Wastewater projects directly with the New Hampshire Department of Environmental Services SRF program. The two loans requested to be refinanced are (CS-330157-05) for the Sludge Dewatering Stabilization project issued on July 1, 2005 and (CS-330157-06) for the Penacook Wastewater Treatment Plant Modification project issued on January 1, 2006.

### Discussion

The City recently completed a review of the two SRF loans identified above. The original issue amount of CS-330157-05 was \$4,465,787.90 dated July 1, 2005 with an interest rate of 3.4575% and a remaining principal balance of \$2,062,744.50 and CS-330157-06 dated January 1, 2006 with an original amount of \$2,428,284.24 with an interest rate of 3.27% and a remaining principal balance of \$1,113,551.52. Upon approval of the attached resolution, these loans will be refinanced at lower interest rates (1.02%) thereby saving the City's Waste Water Fund approximately \$281,322 over the remaining term of the loan.

Cc: City Manager  
City Clerk  
Deputy City Manager for Finance

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# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

RESOLUTION      ACCEPTING AND APPROPRIATING THE SUM OF EIGHTEEN THOUSAND EIGHTY THREE DOLLARS (\$18,083) FROM THE NEW HAMPSHIRE CHARITABLE FOUNDATION FOR MANAGEMENT AND MAINTENANCE OF MUNICIPAL PROPERTY.

*The City of Concord resolves as follows:*

**WHEREAS,**      on October 24, 2012 the City received notification from the New Hampshire Charitable Foundation of a grant award in the amount of \$18,083 to support projects that enhance the special character and vitality of Concord's downtown and its neighborhoods, and encourage citizen participation in municipal affairs and community life; and

**WHEREAS,**      the City has determined that in conjunction with the new Heights Community Center the City will allocate \$12,000 for playground facility improvements and landscaping and \$6,083 for the planting of street trees; and

**WHEREAS,**      these funds were received during Fiscal Year 2013, this appropriation shall be effective as of June 30, 2013; and

**WHEREAS,**      this appropriation is for a purpose not included in the adopted budget, therefore section 37 of the City Charter requires a two-thirds vote of the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Concord that:

1.      The sum of .....\$18,083  
         be and is hereby appropriated as follows:

Special Revenue Fund

Heights Community Center Enhancements .....\$12,000

Planting of Trees .....\$ 6,083

Total .....\$18,083

2.      Said revenue shall be available as follows:

Special Revenue Fund

NH Charitable Foundation FY2013 Grant (Grant ID 83092).....\$18,083

3.      Sums as appropriated shall be expended under the direction of the City Manager.

4.      This resolution shall take effect retroactive to June 30, 2013.



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Matthew R. Walsh, Assistant for Special Projects

**DATE:** June 21, 2013

**SUBJECT:** FY 2013 New Hampshire Charitable Foundation Grant

### Recommendations:

- Accept the following report; and,
- Set the attached resolution accepting and appropriating the sum of \$18,083 from the New Hampshire Charitable Foundation for public hearing on August 12, 2013.

### Background:

On October 24, 2012 the City Administration received notification from the New Hampshire Charitable Foundation that the City has been awarded \$18,083 in unmatched grant funds *"to support projects that enhance the special character and vitality of Concord's downtown and of its neighborhoods, and that encourage citizen participation in municipal affairs and community life."*

The City has been receiving these funds from the Charitable Foundation for more than a decade.

### Discussion:

As Council knows, the City typically receives an annual allocation from the New Hampshire Charitable Foundation for the purpose of undertaking special projects to improve the community.

City Administration recommends using the FY2013 installment as follows:

1. \$10,000 for repair / replacement of playground equipment at the Heights Community Center;
2. \$2,000 for installation of landscaping at the Heights Community Center; and,
3. \$6,083 for planting of street trees city-wide.

These projects will be managed by the Parks and Recreation Department and General Services Department.

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# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF UP TO TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) IN UNMATCHED FUNDS FROM THE STATE OF NEW HAMPSHIRE'S OIL DISCHARGE, DISPOSAL AND CLEANUP FUND (THE "ODD FUND") FOR ENVIRONMENTAL REMEDIATION OF CITY OWNED PROPERTY LOCATED AT 5, 11, 27, 31, AND 35 CANAL STREET, PENACOOK KNOWN AS THE FORMER AMAZON REALTY AND ALLIED LEATHER TANNERY SITES (CIP #508).

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** the City owns certain properties located at 5 and 11 Canal Street, formerly known as the Amazon Realty L.L.C. site; and

**WHEREAS,** the City also owns certain properties located at 27, 31, and 35 Canal Street, known as the former Allied Leather Tannery site; and

**WHEREAS,** said properties are contaminated with petroleum products and require environmental cleanup in order to facilitate future redevelopment; and

**WHEREAS,** costs associated with remediation of petroleum contaminated products is eligible for reimbursement under the State of New Hampshire's Oil Discharge, Disposal and Cleanup Fund ("ODD Fund"); and

**WHEREAS,** no matching funds are required under the ODD Fund Program; and

**WHEREAS,** remediation of petroleum soils is part of a larger \$1.15 million cleanup effort, of which all other funds for this phase of the cleanup have been previously appropriated by the City Council; and

**WHEREAS,** this is a purpose for which funds are not included in the adopted budget of the City, therefore, Section 37 of the City Charter provides for this appropriation by a two-thirds vote of the members present.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The sum of ..... \$275,000  
be and is hereby appropriated as follows:

General Capital Project Fund

City Administration

Allied Leather Tannery & Amazon Realty ODD Fund ..... \$275,000

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION** ACCEPTING AND APPROPRIATING THE SUM OF UP TO TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000) IN UNMATCHED FUNDS FROM THE STATE OF NEW HAMPSHIRE'S OIL DISCHARGE, DISPOSAL AND CLEANUP FUND (THE "ODD FUND") FOR ENVIRONMENTAL REMEDIATION OF CITY OWNED PROPERTY LOCATED AT 5, 11, 27, 31, AND 35 CANAL STREET, PENACOOK KNOWN AS THE FORMER AMAZON REALTY AND ALLIED LEATHER TANNERY SITES (CIP #508).

Page 2 of 2

- 2) The sum of ..... \$275,000  
be and is hereby made available as follows:

General Capital Project Fund

City Administration

Allied Leather Tannery & Amazon Realty NHDES ODD Fund Grant ..... \$275,000

- 3) These funds shall be available for any purpose associated with the environmental cleanup and redevelopment of the former Allied Leather Tannery Complex located at 27, 31, and 35 Canal Street, as well as the former Amazon Realty Lots at 5 and 11 Canal Street in order to prepare said parcels for future redevelopment.
- 4) These funds shall be expended under the direction of the City Manager.
- 5) This resolution shall take effect upon its passage.



# CITY OF CONCORD

TJA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Matthew R. Walsh, Assistant for Special Projects *MRW*  
**DATE:** June 20, 2013  
**SUBJECT:** CIP #508 Former Allied Leather Tannery: Acceptance of ODD Funds from the State of New Hampshire

### Recommendation:

- Accept the following report; and,
- Set the attached resolution accepting and appropriating the sum of up to \$275,000 in unmatched funds from the State of New Hampshire's Oil Discharge, Disposal and Cleanup Fund (ODD Fund) for cleanup of city owned property located at 5, 11, 27, 31, and 35 Canal Street known as the former Allied Leather Tannery and Amazon Realty properties, CIP #508.

### Background:

The City is preparing to undertake the final phase of environmental cleanup of the former Allied Leather Tannery and Amazon Realty Sites. The project will be put out to bid in July. Bids will be due in August. Work will likely commence around Labor Day and continue until winter shut-down in early December. Work will then resume and be completed in spring 2014.

This phase of environmental cleanup will entail:

- Excavation, removal, and disposal of 55,000 square feet of buried foundations;
- Excavation and re-processing of 6,300 cubic yards of crushed masonry backfill at the site;
- Removal and disposal of 475 cubic yards of buried tannery waste (leather);
- Removal and disposal of 1,463 tons of chromium contaminated soils;
- Removal and disposal of 286 tons of petroleum contaminated soils;
- Potential removal or re-encapsulation on site of 1,633 tons of Polynuclear Aromatic Hydrocarbon (PAH) contaminated soils (coal ash comingled with crushed masonry);
- Removal and disposal of 15 tons of Polychlorinated Biphenyl (PCB) contaminated soils;
- Construction of a retention pond for storm water treatment;
- Backfilling and grading the site for future private development.

The project will also include hauling city owned soil stockpiles located at South Commercial Street to the site for reuse as backfill, as well as disposal of lead contaminated soils associated with this stockpile.

The total cleanup budget for this phase of the project is approximately \$1.15 million, of which only \$224,000 are City funds. After consultant and permit fees, the total available budget for physical cleanup activities is approximately \$750,000. All other funds for this phase of cleanup activities have been previously appropriated by the City Council.

**Discussion:**

As described above, a portion of the cleanup work involves remediation of petroleum contaminated soils and groundwater.

Petroleum contamination at the site is eligible for funding from the NH Department of Environmental Services' Oil Discharge, Disposal and Cleanup Fund (or ODD Fund). This fund, which is capitalized by surcharges on heating oil and gasoline, exists essentially as a state-wide self-insurance program for property owners with petroleum facilities.

The current cleanup effort for petroleum related wastes is estimated to cost approximately \$175,000, including consultant fees and physical remediation activities. However, the staff recommends the City Council approve up to \$275,000 in order to provide a healthy contingency of should additional petroleum contamination be encountered at the site during cleanup activities.

In related news and separate from the current cleanup effort, staff has been working to seek reimbursement from the State for past City funds spent on petroleum contamination at the site between 2002 and 2011. Specifically, City Administration is seeking an additional \$173,000 to reimburse the City for those historical costs. Discussions have been ongoing with the State since last fall. Should the City's application be successful, staff will return to the City Council with the appropriate resolutions should they be awarded by the State of NH.

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# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$42,500) FOR THE PURCHASE OF SNACK BAR EQUIPMENT AND INCREASE OTHER OPERATING EXPENSES TO SUPPORT THE OPERATION OF THE SNACK BAR AT THE EVERETT ARENA.

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** the City was notified in April 2013 that Concord Youth Hockey elected not to extend its contract to operate the snack bar at the Everett Arena beyond June 2013; and

**WHEREAS,** the City procured a Request for Proposal process to secure a new vendor to operate the snack bar and received no bids; and

**WHEREAS,** the snack bar needs to be operational by August 18, 2013 to support the Arena operation; and

**WHEREAS,** overall revenue is projected to be approximately \$50,000 annually, producing an estimated \$7,500 net gain in the first year; and

**WHEREAS,** anticipated annual revenue from snack bar operations is more than sufficient to support first year equipment purchases and operations; and

**WHEREAS,** the Director has identified the need to begin work on this project; and

**WHEREAS,** this appropriation is for a purpose not included in the FY2014 adopted budget, therefore, Section 37 of the City Charter requires a two-thirds roll call vote of the City Council.

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING FORTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$42,500) FOR THE PURCHASE OF SNACK BAR EQUIPMENT AND INCREASE OTHER OPERATING EXPENSES TO SUPPORT THE OPERATION OF THE SNACK BAR AT THE EVERETT ARENA.

Page 2 of 2

***NOW, THEREFORE, BE IT RESOLVED*** by the City Council of the City of Concord that:

- 1) The sum of .....\$42,500  
be and is hereby appropriated as follows:

Arena Fund

Snack Bar equipment .....	\$ 3,350
Compensation & Benefits .....	\$18,800
Snack Bar supplies .....	<u>\$20,350</u>
Total .....	\$42,500

- 2) Revenue is available as follows:

Arena Fund

Snack Bar Sales .....	\$50,000
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- 3) The useful life of the equipment is expected to be in excess of ten (10) years.
- 4) These funds shall be expended under the direction of the City Manager.
- 5) This resolution shall take effect upon its passage.



# CITY OF CONCORD

TJA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Earle M Chesley, P.E., Director General Services Department

**DATE:** June 25, 2013

**SUBJECT:** Supplemental Appropriation to Raise \$42,500 for Staff to Operate the Snack Bar at the Everett Arena.

### Recommendation

To approve the attached resolution. The Department recommends the arena operate the snack bar concessions inside the Everett Arena and to raise and appropriate \$42,500 to operate the concession for fiscal year 2014 to be offset by revenue generated through its operation.

### Background

The snack bar concession at the arena is currently run by Concord Youth Hockey. Their agreement expires the end of June of this year and youth hockey notified the arena manager in April that they would not be renewing their agreement. The arena manager worked with the Purchasing Division to put together an RFP for the operation of the snack bar. The RFP went out the month of May with no minimum bid and was advertised on the city website, posted at city hall, emailed to a bid house, Bid Ocean, that advertises for non-construction type of bids; advertised in the Concord Monitor under Legal Notices, and emailed to everyone on the Purchasing Department's bid list that had expressed an interest in the past on any concession services at the Everett Arena, Beaver Meadow Golf Course and Memorial Field.

Bids closed on Friday, May 31<sup>st</sup> and there were no bidders. Only the concessionaire at the Beaver Meadow Golf Course expressed any interest and came to view the snack bar at the arena but did not submit a bid. Discussions with the Purchasing Division concluded that it would not be productive to reissue the RFP to attempt to secure a prospective bidder.

## Discussion

Comparables have been completed with other facilities similar in size and operation to the Everett Arena. Customers expect a snack bar to be open when they visit the facility. Staff has brought this before the arena advisory committee and they support having the arena operate the snack bar. Staff is confident that it has the infrastructure in place and the experience and recommends moving forward with the operation.

The snack bar would be staffed by dedicated part time snack bar personnel, with one lead person that would coordinate the day to day operation and be overseen by the arena manager who has operated a snack bar when managing another facility. The arena manager would work with the purchasing division on orders and have day staff stock when product is delivered. The city would be allowed to purchase under any of the State of New Hampshire food vendor contracts and a list and contact information has been provided to the arena manager from the purchasing manager. During the ice season the snack bar would be open Friday evenings, all day Saturday and Sunday and Wednesday evenings during high school hockey games. During the non-ice season the snack bar would be open during any shows hosted inside the arena.

In order to operate the snack bar it is necessary to raise and appropriate an additional \$42,500 as follows:

Capital Outlay (cash register, video monitoring, and snack machine).....	\$3,350
Compensation, including benefits (part time employees).....	\$18,800
Snack supplies.....	\$20,350

It is anticipated that the Snack Bar will generate approximately \$50,000 in total sales broken down as follows:

Food.....	\$24,000
Beverages.....	\$17,500
Vending Sales.....	\$8,500

Disruption of the operation of the snack bar would have an impact on revenue received by this enterprise fund during FY14 and would impact arena stakeholders. For ice operations this includes: Concord Youth Hockey (368 families), Concord High Boys and Girls varsity teams, Bishop Brady Boys and Girls varsity teams, Bow High varsity team, NHIAA Tournament Games and over 6,500 recreational skaters that utilize the arena each season. The arena stakeholders for non-ice events include the Home Show, Roller Derby, Cat Show, to name a few of the vendors that rent the arena for the 25 plus dry floor event days and the thousands of people that attend these events.

Cc Doug Ross  
Jeff Bardwell

By 6-17-13

7-21

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# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** RESCINDING BOND AUTHORIZATION IN THE AMOUNT OF ONE HUNDRED SEVENTEEN THOUSAND SIX HUNDRED SEVENTY TWO DOLLARS AND FORTY TWO CENTS (\$117,672.42) FOR THE PENACOOK WASTEWATER TREATMENT PLANT.

***The City of Concord resolves as follows:***

**WHEREAS** on June 29, 2000 the City of Concord passed Resolution #7073 which authorized borrowing in the amount of \$39,800 to study the feasibility of the modifications to the Penacook Wastewater Treatment Plant; and

**WHEREAS,** on June 24, 2002, the City of Concord passed resolution #7331 which appropriated \$340,500 for the design of modifications to the Penacook Wastewater Treatment Plant; and

**WHEREAS,** on September 15, 2003, the City of Concord passed Resolution #7521 which authorized borrowing in the amount of \$3,930,000 for modifications to the Penacook Wastewater Treatment Plant; and

**WHEREAS,** the amount borrowed for the intended purposes for Resolution #7521 left \$117,672.42 as authorized unissued and is no longer needed.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that

- 1) The sum of ..... \$ 117,672.42  
Be and is hereby de-authorized for bonding purposes.
- 2) This resolution takes effect retroactive to June 30, 2013.



# CITY OF CONCORD

## REPORT TO COUNCIL

**FROM:** Michael P. Jache, City Treasurer

**DATE:** June 11, 2013

**SUBJECT:** Rescind Penacook Waste Water bond authorization

### Recommendation

Approve this resolution rescinding bond authorization for Penacook Waste Water project.

### Background

In September 2003 the City of Concord authorized bonding or borrowing from the State Revolving Loan Fund \$3,930,000 (resolution # 7521) for modifications to the Penacook Waste Water Plant.

### Discussion

The City of Concord applied for funds from the State of New Hampshire, Department of Environmental Services, in accordance with provisions of Chapter ENV-500 rules of the Department. The loan agreement was approved by the Governor and Executive Council on January 7, 2004.

The loan was awarded for up to the amount of \$3,930,000 and the actual cash drawdowns for the cost of the project totaled \$3,812,327.58 leaving an unspent balance on the project totaling \$117,672.42.

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

Brian  
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6-18

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8-49

**RESOLUTION      ADOPT AN AMENDED AND RESTATED DEVELOPMENT  
PROGRAM AND FINANCING PLAN FOR THE SEARS BLOCK  
TAX INCREMENT FINANCE DISTRICT.**

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,**            by Resolution #6761, adopted October 20, 1997, the City Council adopted the provisions of NH RSA 162-K, as amended, for the purposes of establishing one or more tax increment financing districts;

**WHEREAS,**            the City adopted Resolution #7205 on July 9, 2001, to establish the Sears Block Tax Increment Finance District and enact a Development and Financing Plan in support of a Development Agreement between the City of Concord and a developer, which was never executed as that developer subsequently withdrew from the project;

**WHEREAS,**            pursuant to Resolution #7515, adopted on September 8, 2003, the City repealed the Sears Block Tax Increment Finance District, together with its Development and Finance Plan, as adopted by Resolution #7205, and created a new Sears Block Tax Increment Finance District and adopted a new Development and Finance Plan pursuant to a Development Agreement with Capital Commons L.L.C. concerning redevelopment of certain property formerly known as the Sears Block, previously located at 11 South Main Street, currently known as the Capital Commons Office Building and Municipal Parking Garage;

**WHEREAS,**            on April 11, 2005, the City adopted Resolution #7722, which modified the Development Program and Financing Plan for the Sears Block Tax Increment Finance District due to certain changes in scope for the public improvements and cost escalations related thereto associated with the so-called Capital Commons Redevelopment Project located at 11 South Main Street and 75 Storrs Street;

**WHEREAS,**            on May 8, 2006, the City adopted Resolution #7890, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District due to certain scope changes and cost escalations associated with the Capital Commons Redevelopment Project located at 11 South Main Street and 75 Storrs Street;

# CITY OF CONCORD

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*In the year of our Lord two thousand and thirteen*

**RESOLUTION      ADOPT AN AMENDED AND RESTATED DEVELOPMENT  
PROGRAM AND FINANCING PLAN FOR THE SEARS BLOCK  
TAX INCREMENT FINANCE DISTRICT.**

Page 2 of 2

**WHEREAS,** on February 13, 2012, the City adopted Resolution #8534, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District in order to support the Bindery Redevelopment Project located at 43-45 South Main Street, including conversion of approximately \$2.505 million in previously issued tax exempt debt to taxable status associated with the conversion of 91 public parking spaces to long-term lease spaces for tenants of the Bindery Redevelopment Project, as well as expansion of the District's geography to include the NHES property located at 32-34 South Main Street and certain other surrounding properties thereto; and,

**WHEREAS,** the City desires to further amend the Development Program and Financing Plan for the Sears Block Tax Increment Finance District for the purpose of issuing additional bonds and notes for installation of underground utilities on South Main Street, in conjunction with the Downtown Complete Streets Project (CIP 460), to support redevelopment of the NH Employment Security property located at 32-34 South Main Street, as well as surrounding properties.

***NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:***

1. After holding a public hearing and taking public testimony, the City Council hereby finds that the Amended and Restated Sears Block Tax Increment Finance District Development and Finance Plan presented at this meeting and attached hereto, and the construction of the public parking garage and associated public improvements described therein, serve a public purpose pursuant to NH RSA 162-K:5.
2. In accordance with NH RSA 162-K:6, 162-K:9, and 162-K:10, the City Council hereby amends and restates in its entirety the Sears Block Tax Increment Finance District Development Program and Financing Plan, adopted by Resolution #7515 on September 8, 2003, and amended by Resolutions #7722, #7890, and #8534 respectively, by adopting the Amended and Restated Sears Block Tax Increment Finance District Development Program and Financing Plan, dated August 12, 2013, presented at this meeting and attached hereto.
3. This resolution shall take effect upon passage.

# **AMENDED AND RESTATED SEARS BLOCK TAX INCREMENT DEVELOPMENT PROGRAM AND FINANCING PLAN**

August 12, 2013

Adopted by Resolution #7205 on July 9, 2001  
Amended by Resolution #7515 on September 8, 2003  
Amended by Resolution #7722 on April 11, 2005  
Amended by Resolution #7890 on May 8, 2006  
Amended by Resolution #8534 on February 13, 2012  
Amended by Resolution # on August 12, 2013

## **I. Introduction:**

The purpose of the Sears Block Tax Increment Finance District (SBTIF) is to foster redevelopment of real estate and other economic development activity within the central portion of the Opportunity Corridor and Downtown Concord along the South Main Street corridor through strategic public investment in parking facilities and other infrastructure as further described within this Development Program and Financing Plan. The components of the Development Program and Financing Plan include:

- Statement of Objectives
- District Boundaries
- Determination of Compliance with District Size Limitations
- Development Program
- Financing Plan
- District Administration
- Advisory Board Responsibilities

## **II. Statement of Objectives:**

The City Council has identified economic development in the Opportunity Corridor and Downtown Concord as a City priority. Economic development includes, but is not limited to, the expansion of the property tax base and employment opportunities through the redevelopment of blighted, underutilized, contaminated, or abandoned properties.

The adoption of the Sears Block Tax Increment Development Program and Financing Plan provides a valuable tool for implementing redevelopment activities to address the following goals and objectives:

- Create redevelopment opportunities;
- Improve the visual image of the southerly entrance to the Downtown;
- Expand the real estate property tax base;
- Construct, expand, and rehabilitate public parking facilities, streets, utilities, parks, plazas, and pedestrian ways to provide improved access

- and expanded capacities sufficient to encourage private investment within the District;
- Remove blighted land uses and cleanup environmental contamination; and,
- Improve transportation components to permit the efficient use of land for redevelopment.

**III. District Boundaries:**

The following is the legal description for the Sears Block Tax Increment Finance District. A graphic depiction of the District is included as Exhibit 1.

Beginning at a point in the northerly side line of Pleasant Street at its intersection with the westerly side line of N. Main Street; thence

1. Northerly along the westerly side line of N. Main Street to a point at its intersection with the westerly extension of the northerly side line of Depot Street; thence
2. Easterly along the westerly extension of the northerly side line of Depot Street, crossing the N. Main Street right-of-way, to a point at its intersection with the easterly side line of N. Main Street; thence
3. Continuing easterly along the northerly side line of Depot Street to a point at its intersection with the westerly side line of Storrs Street; thence
4. Continuing easterly along the easterly extension of the northerly side line of Depot Street, across the Storrs Street right-of-way, to a point at its intersection with the easterly side line of Storrs Street; thence
5. Southerly along the easterly side line of Storrs Street to a point at its intersection with the easterly extension of the southerly side line of Theatre Street; thence
6. Westerly along the easterly extension of the southerly side line of Theatre Street, crossing the Storrs Street right-of-way, to a point at its intersection with the westerly side line of Storrs Streets; thence
7. Continuing westerly along the southerly side line of Theatre Street to a point at its intersection with the easterly side line of S. Main Street; thence
8. Continuing westerly along the westerly extension of the southerly side line of Theatre Street, crossing the S. Main Street right-of-way,

to a point at its intersection with the westerly side line of S. Main Street; thence

9. Northerly along the westerly side line of S. Main Street to a point at its intersection with the southerly side line of Thompson Street; thence
10. Westerly along the southerly side line of Thompson Street to a point at its intersection with the easterly side line of S. State Street, said point being the southeast corner of the intersection of said streets; thence
11. Continuing westerly along the extension of the southerly side line of Thompson Street to a point at its intersection with the westerly side line of S. State Street, said point being the southwest corner of the intersection of said streets; thence
12. Northerly along the westerly side line of S. State Street to a point at its intersection with the southerly side line of Pleasant Street; thence
13. Northerly along the extension of the westerly side line of S. State Street, crossing the Pleasant Street right-of-way to a point at the intersection of the westerly side line of N. State Street with the northerly side line of Pleasant Street; thence
14. Easterly along the northerly side line of Pleasant Street to a point at its intersection with the easterly side line of N. State Street; thence
15. Continuing easterly along the northerly side line of Pleasant Street to a point at its intersection with the westerly side line of N. Main Street and the point of beginning.

Meaning and intending to describe a Tax Increment Finance District, as shown on a plan (Exhibit 1) entitled "Sears Block Tax Increment Finance District", dated December 6, 2011, prepared by the City of Concord Community Development Department, Engineering Services Division.

**IV. Determination of Compliance with District Size Limitations:**

In accordance with RSA 162-K:5, the following information is provided to demonstrate compliance with State Law at the time of the designation of the District in 2001. Some of this information was updated in 2011 and 2013, respectively.

Total Taxable Value of the City	\$4,321,396,542
8%	\$345,711,723
16%	\$691,423,477
Sears Block TIF	\$51,418,000
North End Opportunity Corridor TIF	\$50,223,600
Penacook Village TIF	\$11,149,600
Combined Total	\$112,792,000
Total Land Area of the City	41,100 Acres
5%	2,055 Acres
10%	4,110 Acres
Sears Block TIF	21.00 Acres
North End Opportunity Corridor TIF	67.70 Acres (Updated 2013)
Penacook Village TIF	47.09 Acres
Combined TIFs	135.79 Acres (Updated 2013)

Using the data above, the City has determined that the SBTIF District, in combination with the other TIF Districts within Concord, does not exceed the taxable value or land area limitations. Please note that there remains a significant capacity, both in terms of allowable value and allowable land area, for the creation of additional tax increment finance districts as deemed necessary by the City Council.

## **V. Development Program**

1. **Purpose:** The purpose of this section is to comply with RSA 162-K:6 by describing the general scope of public investments in infrastructure and other public facilities to be undertaken in order to support redevelopment of public and privately owned real estate within the SBTIF District.
2. **Public Facilities and Infrastructure Improvements to be Constructed:** Redevelopment activities within the SBTIF and associated public investment in infrastructure improvements will occur in multiple phases, as follows:
  - a. **Phase I Improvements:** Phase I investments were completed in 2007 and included the construction of the Capital Commons Municipal Parking Garage, as well as related improvements including the Capital Commons Plaza, Pleasant Street Extension / Storrs Street Pocket Park, reconstruction of the Hills Avenue Municipal Parking Lot, together with related utility, sidewalk, highway, and streetscape improvements on South Main Street and Storrs Street, respectively. These improvements were undertaken to support redevelopment of the former Sears Block located at 11 South Main Street (now known as the Capital Commons Office Building) as well as other parcels in the area.

- b. Phase II Improvements: Phase II improvements shall consist of the installation of underground electrical and telecommunications utilities from #16 - #40 South Main Street. Total area affected is approximately 750 linear feet. The purpose of these improvements is to promote redevelopment of the New Hampshire Employment Security property located at 32-34 South Main Street, as well as adjacent parcels.

Due to timing considerations, this improvement shall be undertaken simultaneously with the Downtown Complete Street Project (City Capital Improvement Program Project #460) which is scheduled for construction between September 2013 and July 2015.

- c. Other Improvements Not Financed by the SBTIF District: It should be noted that other investments in public infrastructure have occurred within the District since its inception. These have included utility, roadway, sidewalk, and streetscape improvements associated with the following private development projects: SMILE Office Building located at 49 South Main Street, Mennino Place Apartments located at 51 Storrs Street, and the so-called NH Book Bindery Redevelopment at 43-45 South Main Street.

In addition, the City plans to undertake additional utility, roadway, sidewalk, and streetscape improvements associated with the Downtown Complete Streets Project (CIP #460) during 2013-2015. This project will include complete reconstruction of North and South Main Streets within the SBTIF District. The SBTIF shall support this project with a \$2.5 million investment to bury aerial utilities as discussed herein. The remainder of the project will be financed by a TIGER Grant from the US Department of Transportation, private donations, as well as bonds and notes supported by the City's General Fund.

3. Open Space Created: Redevelopment within the Sears Block Tax Increment Finance District will help to preserve open space within the City of Concord by providing opportunities for commercial and residential uses on previously developed and, in some cases, contaminated properties, thereby relieving further development pressure on green field sites.
4. Regulatory Controls Applied: The City and all private developers undertaking development projects within the SBTIF shall be required to comply with the following laws, ordinances, rules, and regulations, as applicable:
- City Subdivision and Site Plan Review Regulations;
  - City Code of Ordinances;

- City of Concord Zoning Ordinance;
- State and Federal Laws, Codes, Rules, Regulations, and Standards related to abatement of hazardous materials and environmental contamination; and,
- Compliance with City and State Building Codes and National Life Safety Codes.

5. Operations, Maintenance, and Administrative Costs:

- a. Capital Commons Parking Garage: Operating and maintenance costs associated with the Capital Commons Parking Garage shall be financed through the City Parking Fund. Operating and maintenance costs may be supplemented with funds from the SBTIF or other sources as needed.
- b. Plazas & Pocket Parks: Operating and maintenance costs for the Capital Commons Plaza and Storrs Street pocket park shall be financed by incremental property tax revenues generated by new development within the SBTIF District. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.
- c. Sidewalks and Highways: No new highways or sidewalks are proposed within the SBTIF District. However, existing roads and sidewalks may be reconstructed to support development activities. Because of this circumstance, the operating and maintenance costs associated with reconstructed sidewalks and highways within the SBTIF shall be financed by the City's General Fund and Parking Fund, as applicable. However, these funding sources may be supplemented or replaced by revenues generated by the SBTIF District, provided the District's gross revenues are sufficient to support all other debt service, operating costs, as well as financial contributions to contingency and capital reserve funds.
- d. Public & Private Utilities:
  - i. Drainage: Operating and maintenance costs for drainage utilities shall be financed by incremental property tax revenues generated within the SBTIF District associated with new development or utility enterprise / special revenue funds, as appropriate. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs for drainage utilities within the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

- ii. Water & Sewer: Operating and maintenance costs for water and sanitary sewer utilities shall be financed by the City's Water or Sewer Enterprise Funds, as applicable.
  - iii. Telephone, Cable Television, & Communications Utilities: Operating and maintenance costs for these utilities shall be the responsibility of the private corporations associated therewith.
  - e. Administration and Public Safety: Costs associated with administration of the District as well as public safety serving new development within the District shall be financed by incremental property tax revenues generated within the SBTIF District associated with new development. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.
  - f. Records and Reports: The City will maintain records of financial activity of the District in accordance with Generally Accepted Accounting Principles. The City will include the financial reporting requirement in the Comprehensive Annual Financial Report (CAFR).
6. Relocation and Displacement: It is not anticipated that businesses or residences will need to be acquired or relocated in order to construct municipal facilities or infrastructure improvements to be undertaken in accordance with this Development Program and Finance Plan. However, in the event of relocation of businesses or residences due to facilitate construction of municipal facilities or infrastructure improvements, the City shall follow the Uniform Relocation Act of 1970, as amended.
- Private development projects within the District shall not be subject to this provision unless otherwise required by the State or Federal Government due to use of State or Federal funds, such as Community Development Block Grants or certain tax credit programs, to support private development activities, as applicable.
7. Property Acquisition and Disposition: The City hereby has the authority to purchase, sell, or lease real estate within the SBTIF District. The City shall also have the ability to acquire or convey easements and rights-of-way in order to carry out construction of infrastructure and public facilities, as well as to support private development activities.

In accordance with RSA 162-K:6,III,b, the City may acquire real property or easements through negotiation or through powers of eminent domain, except that property acquired through powers of eminent domain shall be put to public use, as defined in RSA 162-K:2, IX-a

8. Grants: The City may seek and use private, non-profit, or governmental grants, as it deems necessary, to provide financial assistance to support private development activities, as well as the design and construction of infrastructure and public facilities. All such applications for and appropriations of such grants shall be approved by the City Council. The City shall not be obligated to amend this Development Program and Financing Plan when accepting grant funds for infrastructure improvements, unless said grants are to be matched with SBTIF funds.

## **VI. Financing Plan**

1. Purpose: The purpose of this section is to comply with RSA 162-K:9 by describing the capital, operating, and maintenance costs of infrastructure and other public facilities constructed to support redevelopment of public and privately owned real estate within the SBTIF District.
2. Capital Costs: Capital investments in infrastructure and public facilities will be undertaken in multiple phases during the duration of the SBTIF District's existence. The following is a description of capital costs for various infrastructure improvements undertaken by Phase within the SBTIF.
  - a. Phase I Improvements: Phase I improvements consisted of the construction of the Capital Commons Parking Garage and related improvements. Phase I improvements were completed in 2007.

### Phase I Capital Investment Summary

Item	Amount
Financing / Capitalized Interest	\$300,000
Bond Sale Cost	\$123,000
Permitting	\$92,000
Contingency	\$728,400
Construction of Public Parking Garage	\$9,970,000
Construction / Relocation of Utilities	\$1,393,000
Construction of Streetscape Improvements	\$284,170
Construction of Public Plazas	\$529,100
Repair of City Municipal Parking Lot	\$71,500
Storrs Street / Pleasant Street Traffic Signal	\$150,000
Improvements to Abutting Properties	\$700,000
Developer Construction Management Fee	\$160,000
Construction Bond	\$145,000
Builder's Risk Insurance	\$23,830
Construction Oversight & Legal	\$160,000
Building Demolition	\$365,000
Property Acquisition, Legal Expenses, & Contingency	\$1,129,840
<b>Total Project Cost</b>	<b>\$16,324,840</b>

- b. Phase II Improvements: Phase II improvements shall consist of installation of underground utilities for approximately 750 linear feet located in the vicinity of #16 - #40 South Main Street. The total capital cost of this effort is \$2.5 million, including design and contingency. Costs of repairing / reconstructing sidewalks, roadways, and streetscape amenities associated with the installation of these utilities shall be financed by the City's Downtown Complete Street Project (CIP #460).
3. Sources of Revenue for Development Program Costs: The following is a summary of revenues to finance capital investments.
  - a. Phase I Improvements: The following is a summary of funding sources used to finance the design and construction of Phase I improvements, as completed in 2007.

### Phase I Capital Improvements Funding Sources

Funding Source	Amount	Notes
<b>General Obligation Bonds</b>		
Sears Block TIF District Supported		
Taxable	\$683,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Tax Exempt	\$2,368,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Parking Lease Supported		
Taxable	\$883,000	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Tax Exempt	\$3,040,000	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Parking Fund Supported		
Taxable	\$799,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
Tax Exempt	\$2,386,500	Resolution # 7721, April 11, 2005. Sold August 3, 2005
General Fund Supported		
Taxable	\$0	Resolution # 7891, May 8, 2006. Sold January 15, 2007
Tax Exempt	\$2,281,000	Resolution # 7891, May 8, 2006. Sold January 15, 2007
<b>Subtotal - Bonds</b>	<b>\$12,442,000*</b>	
<b>Grants &amp; Reserve Funds</b>		
US HUD EDI Grant	\$482,840	Resolution # 7305, August 11, 2003
City Parking Fund	\$300,000	Resolution # 7504, August 11, 2003
	\$250,000	Resolution # 7891, May 8, 2006
City Economic Development Reserve Fund	\$250,000	Resolution # 7102, August 14, 2000
	\$800,000	Resolution # 7270, January 14, 2002
	\$1,100,000	Resolution # 7305, August 11, 2003
	\$700,000	Resolution # 7891, May 8, 2006
<b>Subtotal - Grants &amp; Reserve Funds</b>	<b>\$3,882,840</b>	
<b>Total Funding – All Sources</b>	<b>\$16,324,840</b>	

\*Note, in May 2012, the City converted approximately \$2.505 million in tax exempt debt previously issued in 2005 and 2007, respectively, in order to convert 91 hourly public parking spaces in the Capital Commons Municipal Parking Garage to lease status to support redevelopment of private property, including but not limited to, the NH Book Bindery Block located at 43-45 South Main Street.

- b. Phase II Improvements: Phase II improvements shall be financed by a \$2.5 million general obligation bond supported by the SBTIF District. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a General Fund obligation as necessary.
4. Estimated Annual Debt Service and Operating Costs for the District: The following is a summary of annual debt service and operating costs for the district, including Phase I and Phase II improvements.

**Annual Debt Service and Operating Costs**

<b>Debt Service</b>		
<b>Phase I Improvements: Capital Commons Garage (Completed 2007)</b>	<b>Average Annual Payment</b>	<b>Funding Source</b>
Parking Lease Supported G.O. Bonds	\$283,150	Parking Fund
Parking Fund Supported G.O. Bonds	\$227,645	Parking Fund
TIF District Supported G.O. Bonds	\$220,404	SBTIF
General Fund Supported G.O. Bonds	\$164,498	General Fund / SBTIF
Converted \$2.505 Million Debt Service, Tax Exempt to Taxable Status	\$4,810	SBTIF, General Fund, & Parking Fund
<b>Phase II Improvements: South Main Street Underground Utilities (2013)</b>		
TIF Supported G.O. Bonds (Assumes \$2.5M @ 2.25% for 20 Years, Tax Exempt Issuance, Sold January 2014) (Average Annual Payment)	\$156,000	SBTIF
<b>Subtotal</b>	<b>\$1,056,507</b>	
<b>Capital Commons Parking Garage Operating Costs</b>	<b>Amount</b>	<b>Funding Source</b>
Parking Enforcement Costs	Excluded	Parking Fund
General Services Department Operating Expenses (FY2014) (Labor, Utilities, Supplies)	\$114,735	Parking Fund
Real Estate Taxes for Leased Parking Spaces (FY2014)	\$49,780	Parking Fund
Landscaping - Capital Commons Plaza & Storrs Street Pocket Park (FY2014)	\$8,500	SBTIF
<b>Subtotal</b>	<b>\$173,015</b>	
<b>Administration Fees</b>	<b>Amount</b>	<b>Funding Source</b>
Administration Fees	\$16,976	SBTIF
<b>Subtotal</b>	<b>\$16,976</b>	
<b>Total Debt Service, Maintenance, &amp; Operating Expenses</b>	<b>\$1,246,497</b>	

5. Duration of the Program's Existence: The Sears Block Tax Increment Finance District shall exist until the purposes for which it has been created are fulfilled. Specifically, the District shall continue to exist until such time as:
- a. The repayment or legal defeasance of all debt service supported by the District;
  - b. Repayment of all reserve funds contributions from the Economic Development Reserve, Downtown Economic Development Reserve, and Parking Fund used to finance the development program;
  - c. Capitalization of a Capital Reserve Fund, in such amounts determined by City Council, to support future repair and reconstruction of SBTIF improvements; and,
  - d. Passage of the appropriate resolutions by City Council to officially dissolve the District.

It is projected that debt service for Phase II of the Development Program (i.e. South Main Street underground utilities) will be retired in 2035. Therefore, it is anticipated that the District shall not be dissolved until 2035.

6. Estimated Tax Increment Financing Impact on All Related Taxing Jurisdictions: All property tax revenues generated by incremental development within the SBTIF District occurring after the date of the District's creation shall be captured and retained by the District to support debt service and operating costs associated with infrastructure improvements constructed within the District.

It is anticipated that the debt service associated with Phase I and II improvements shall not be fully repaid until City FY2035. Therefore, property tax revenues associated with incremental assessed value created in the District from new development will not be available to the Concord School District, Merrimack County, or the State of New Hampshire until 2035.

The City Council may, on an annual basis, vote to release a portion of the captured incremental assessed value, and property taxes associated therewith, to the City's General Fund, as well as the Concord School District, Merrimack County, and the State of New Hampshire, as applicable. However, release of any portion of the captured incremental

assessed value shall only occur after the SBTIF has sufficient revenues to support:

- a. Existing debt service;
  - b. Repayment of equity contributions from the Economic Development Reserve Fund, Downtown Economic Development Reserve Fund, and Parking Fund;
  - c. Operating and maintenance expenses;
  - d. Capitalization of a contingency fund for the SBTIF; and,
  - e. Capitalization of a Capital Reserve Fund to support future repair and replacement of public facilities and infrastructure improvements financed by the SBTIF District.
7. Captured Value Dedicated Towards Retirement of Bonds and Notes: One hundred percent (100%) of the captured value of the District shall first be dedicated for the payment of the tax increment supported bonds and notes in accordance with NH RSA 162-k:10, II, a.

In the event the City receives captured value (and associated incremental property tax revenues) in excess of the minimum amount necessary to pay annual debt payment obligations for Sears Block TIF District Supported General Obligation Bonds, as well as operating and maintenance costs of the District, the City may, upon passage of all necessary resolutions by the City Council, allocate any portion of the excess captured value to support debt service previously issued, or to be issued, by the Parking Fund or the General Fund, for:

- a. Public improvements within the District, without limitation;
  - b. Additional debt service which might be incurred as a result of converting any portion of the taxable or tax exempt Sears Block TIF District, Parking Fund, Parking Lease, or General Fund supported General Obligation Bonds previously issued to finance design and construction of improvements within the District. Support of said debt service can be in the form of a financial transfer from the Sears Block TIF Fund to the Parking Fund or City's General Fund, as required.
8. Annual Allocation of Captured Value:
- a. In the event any annual Tax Increment Revenues from the Tax Increment District that, together with any unexpended balances of such revenues from prior years, exceed the amount necessary

annually to meet 1) current debt service payments on the portion of the bonds designated in the Amended and Restated Sears Block TIF Plan as payable from Tax Increment Revenues, 2) costs of maintenance and operation of the Capital Commons Municipal Parking Garage in excess of available revenues produced from such facility and 3) debt service payments on the Bonds to be due in the next fiscal year shall be used to reimburse the following funds of the City for Capital Commons Municipal Parking Garage project costs, or debt service related thereto, heretofore, or hereafter paid from such funds, plus interest unless otherwise approved by the City Council.

- i. The Parking Fund, to reimburse any equity (cash) contributions to finance public facilities and infrastructure improvements or to support debt service on bonds issued for the Capital Commons Parking Garage project.
  - ii. The General Fund, to reimburse any past or current payments from said Fund required for debt service on bonds issued for the project due to insufficient tax increment revenues or parking lease revenues, as applicable.
  - iii. The Economic Development Reserve Fund, to reimburse any contributions by said Fund to support capital improvements or maintenance activities.
  - iv. The Downtown Economic Development Reserve Fund, to reimburse any contributions by said fund to capital improvements or maintenance activities.
  - v. Capitalization of a contingency fund, or enhancement of the District's unrestricted fund balance, to support debt service, as well as operating and maintenance expenses in the event of potential reductions in property tax revenue associated with property tax abatements for incremental real estate development within the District.
- b. In the event the District generates sufficient captured assessed value (and associated incremental property tax revenues) resulting in a surplus of such incremental tax revenues after satisfying the District's annual debt service, operating expenses, and contingency fund obligations set forth within items i-v above, the City may also:
- i. Create a capital reserve fund to support future repair or replacement of infrastructure and public improvements

constructed within the District, including, but not limited to the Capital Commons Municipal Parking Garage; or,

- ii. Release a portion of the District's captured assessed value or associated "surplus" property tax revenues to the City's General Fund, as well as the Concord School District, Merrimack County, and State of New Hampshire, as applicable.

## **VII. District Administration**

1. In accordance with RSA 162-K:13, the City Manager, or his designee, shall serve as the administrator for the District. The Administrator shall be responsible for:
  - a. Staffing the SBTIF Advisory Board;
  - b. Preparing reports;
  - c. Overseeing capital investments;
  - d. Coordinating maintenance activities within the District;
  - e. Negotiating agreements to acquire or sell real estate for City Council's approval;
  - f. Preparing grant applications to support development activities within the District; and,
  - g. Negotiating contracts for design, construction, or maintenance of public facilities and infrastructure improvements constructed within the SBTIF Districts.

## **VIII. Section VI Advisory Board Responsibilities**

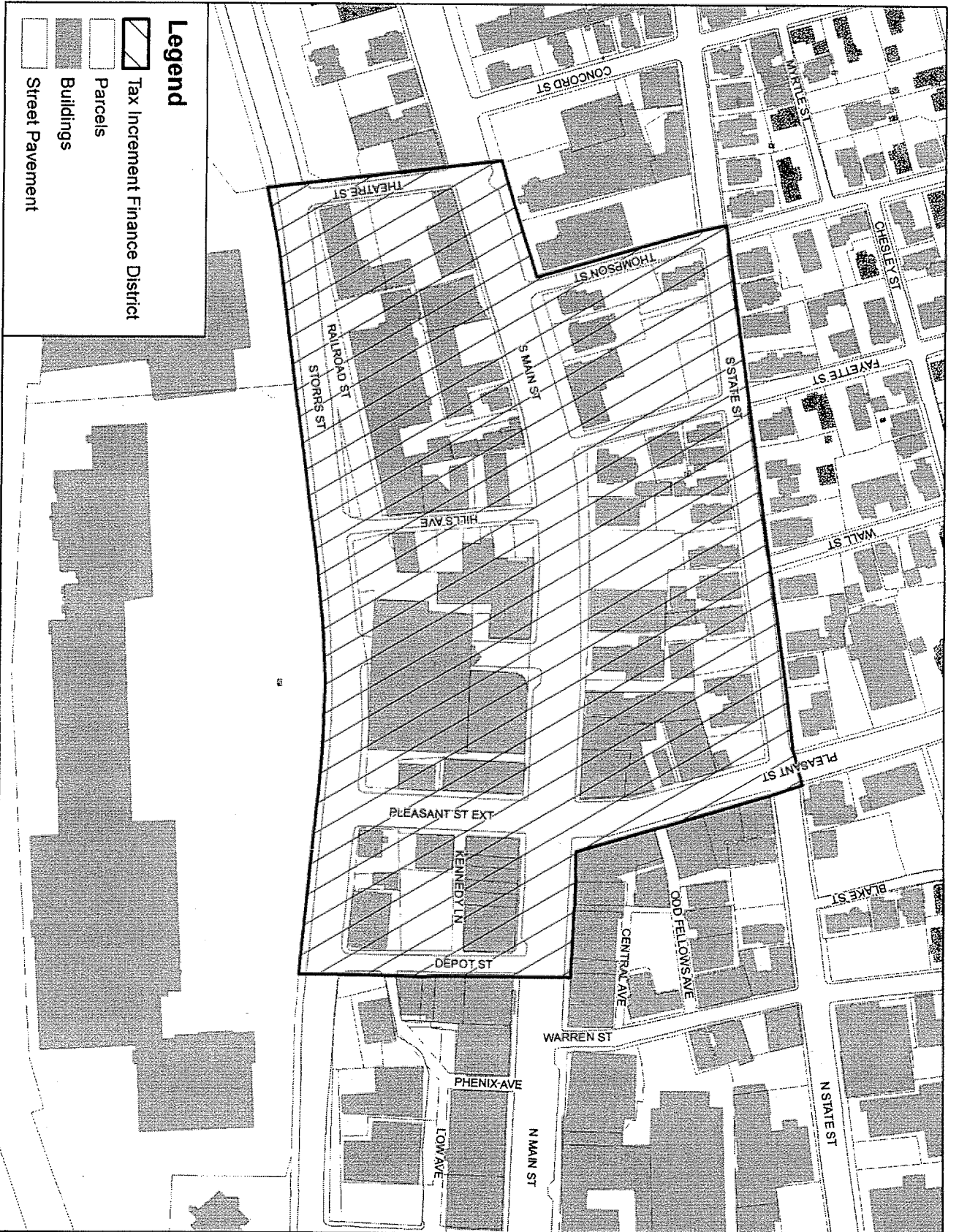
In accordance with RSA 162-K:14, the City Council passed Resolution #7740 on May 9, 2005, which created the Advisory Board. This resolution incorporated the provisions of RSA 162-K. The Advisory Board shall meet as circumstances warrant, as determined either by the City Manager, his designee, or members of the Advisory Board.

The Advisory Board shall have thirty (30) days to appeal any decision of the District Administrator to City Council for review and appropriate action.

The Advisory Board shall advise the governing body and the District Administrator on implementation of the development program, as well as maintenance and operations of the District until defeasance of all bonds and

notes supported by the SBTIF and a vote by the City Council to dissolve the District.

EXHIBIT 1: Sears Block TIF District Geography







# CITY OF CONCORD

TAA

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** Matthew R. Walsh, Assistant for Special Projects

MPW

**DATE:** May 29, 2013

**SUBJECT:** Sears Block Tax Increment Financing District Amendments

### Recommendations:

- Accept the following report;
- Set the attached resolution amending and restating the Sears Block Tax Increment Finance District Development Program and Financing Plan for public hearing on July 8, 2013, but delay City Council action until August 12, 2013; and,
- Set the attached resolution authorizing the issuance of bonds and notes in the amount of \$2,500,000 for installation of underground utilities on a portion of South Main Street for public hearing on July 8, 2013, but delay City Council action until August 12, 2013.

### Background:

Municipalities are authorized to enact Tax Increment Finance Districts (TIFs) in accordance with State Law RSA 162-K.

The Sears Block Tax Increment Finance District (SBTIF) was established on July 9, 2001 in accordance with RSA 162-K by the City Council for the purpose of making public investments in infrastructure to foster redevelopment of the former Sears Block site located at 11 South Main Street, as well as other property located in the southern portion of Downtown and the central portion of the Opportunity Corridor.

Activities within SBTIF are governed by the District's Development Program and Financing Plan. These documents have been modified periodically since the SBTIF's inception in 2001. The most recent amendments were enacted by Resolution #8534 on February 13, 2012, in order to facilitate redevelopment of the so-called Bindery property located at 43-45 South Main Street.

### Discussion:

The primary purpose of the current proposed amendments to the SBTIF Development Program and Financing Plan is to finance the installation of underground electrical and telecommunications utilities on a portion of South Main Street to encourage redevelopment of the NH Employment Security (NHES) property at 32-34 South Main Street, as well as

surrounding properties. In addition, the proposed amendments include minor modifications to the Development Program and Financing Plan to make these documents consistent with fiscal policies set forth within the FY2014 City Budget. Details are as follows:

- 1) Underground Utilities: The City Administration is recommending appropriation of these funds to bury aerial utilities on a portion of South Main Street due to the convergence of timing for two major downtown projects; specifically redevelopment of the NHES property and the Downtown Complete Streets Project (CIP 460).

As City Council knows, the City has been working with the State to market the NHES property at 32-34 South Main Street for redevelopment. In late January, the City issued a request for proposals package for the purpose of soliciting developers for the property. Multiple development proposals were received on May 15<sup>th</sup>. In conjunction with the State, staff has begun its due diligence and will likely provide an update to City Council during a nonpublic session in July. Preliminarily, all development proposals for the site are predicated, in part, on the installation of underground utilities along the South Main Street frontage of the site.

The Downtown Complete Streets Project (CIP 460) is set to begin construction this September. This project will result in a completely rebuilt roadway and streetscape along the NHES site's South Main Street frontage, as well as the frontage of surrounding properties, which might become part of a larger redevelopment plan.

While the process to select a developer is still in its infancy and no schedule for redevelopment of the site has been established, the imminent timing of the Downtown Complete Streets Project dictates that installation of underground utilities along the South Main Street frontage of the NHES site and surrounding parcels must be coordinated and undertaken simultaneously with the Complete Streets project. Installing the underground utilities now will allow the City, or the developers of the NHES site or surrounding properties, to avoid destroying the newly completed streetscape improvements in the future, and additional costs of replacing said improvements in order to necessitate installation of underground utilities. For these reasons, the City Administration proposes that the City issue \$2.5 million in SBTIF supported bonds to complete this work simultaneously with the Downtown Complete Streets Project.

Assuming City Council approval in August, bonds would be sold in January 2014. Presently, staff anticipates debt would be issued on a tax-exempt basis for 20 years at approximately 2.25% interest rate. Based upon these assumptions, the annual debt service payment will be approximately \$156,000.

Currently, the SBTIF is scheduled to terminate in FY2027. However, issuance of this additional debt service will cause the SBTIF to be extended to FY2035.

As City Council knows, the FY2014 budget proposes a multi-year plan to transfer money to the Parking and General Funds to reimburse these funds for equity and debt service investments in the Capital Commons project. The same plan also calls for the SBTIF to absorb future debt payments borne by these funds for the Capital Commons project. Issuance of this \$2.5 million in new debt service for underground utilities may require the City to revisit this strategy depending upon the timing of redevelopment of the NHES

site, the amount of new incremental tax revenues generated by said development, and numerous other variables within the SBTIF Fund Pro Forma. That said, the current SBTIF Fund Po Forma indicates the fund can support this new debt service, as well as ongoing payments to the Parking and General Funds, absorption of future Parking and General Funds debt service, while maintaining reasonable fund balances through FY2017. However, to maintain this strategy past FY2017, redevelopment of the NHES property must occur by April 1, 2017, and maintain an assessed value not less than \$6 million. If redevelopment of the NHES does not occur by this date, the City will need to revisit whether the SBTIF can support Parking Fund or General Fund debt service at that time as currently proposed.

- 2) Administrative Edits to Development Program and Financing Plan: In addition to updates associated with the underground utilities, the revised Development Program and Financing Plan has been revised to provide greater flexibility when prioritizing repayments to the Parking Fund and General Fund.

Other changes include provisions related to transfers from the SBTIF to the General Fund for administration of the district.

In addition, the document also calls for the creation of a SBTIF Capital Reserve Fund. Thus reserve fund will be capitalized when the SBTIF has sufficient excess revenues or fund balance. The goal of this new reserve is to create a dedicated source of funds to support future repairs or replacement of public facilities and infrastructure developed within the SBTIF District.

Lastly, the amended Development Program and Financing Plan also includes a variety of updates in order to make the document consistent with the City's current management practices and strategies for the District.

- 3) Advisory Committee Recommendation: The SBTIF Advisory Committee met on May 14, 2013 to discuss the proposed investment in underground utilities, as well as administrative changes to the Development Program and Financing Plan. It was the consensus of the Committee to recommend that the City proceed with installation of the underground utilities. However, the Committee also recommended the City seek financial support from developers of the NHES site and other surrounding properties to help mitigate costs to the SBTIF District for the utilities.

In addition, because underground utilities would terminate at Thompson Street, the Committee recommended that underground utilities be extended further south to the Capital Center for the Arts to improve the aesthetics of southern gateway into Downtown. The estimated cost to extend underground utilities through the Capital Center for the Arts is \$1 million.



# CITY OF CONCORD

Brian  
5/29/13  
6-19

7-36(C)

8-50

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) INCLUDING AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR THE INSTALLATION OF UNDERGROUND UTILITIES AS PART OF AND WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 1 of 2

*The City of Concord resolves as follows:*

**WHEREAS,** On July 9, 2001 the City approved Resolution #7205 which established the Sears Block Tax Increment Finance District (SBTIF), which was subsequently amended by Resolutions #7515, #7722, #7890, and #8534; and

**WHEREAS,** the purpose of the SBTIF is to finance infrastructure improvements to encourage private investment in redevelopment of real estate and other economic development activities within Downtown Concord; and

**WHEREAS,** the City's initial investment within the SBTIF was in the amount of \$16,324,840 for construction of the Capital Commons Municipal Parking Garage, plazas, sidewalks, and related streetscape and utility improvements; and

**WHEREAS,** in conjunction with the Downtown Complete Streets Project (CIP #460), the City desires to make additional investments in the SBTIF in order to bury aerial electrical and communications utilities located approximately between 16 South Main Street and 40 South Main Street; and

**WHEREAS,** the purpose of burying said utilities will be to encourage redevelopment of the New Hampshire Employment Security Building located at 32-34 South Main Street and surrounding properties, as well as to improve aesthetics for the South Main Street corridor and reliability of electrical and communications utilities in this area of the City; and

**WHEREAS,** on the date hereof, the City Council has adopted the Amended and Restated Sears Block Tax Increment Development Program and Financing Plan (the "Amended Sears Block TIF Plan") to, among other things, include additional debt service costs for these proposed improvements; and

**WHEREAS,** RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution, which shall be taken by roll call vote.

# CITY OF CONCORD

*In the year of our Lord two thousand and thirteen*

**RESOLUTION** APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) INCLUDING AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR THE INSTALLATION OF UNDERGROUND UTILITIES AS PART OF AND WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT

Page 2 of 2

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Concord that:

- 1) The sum of .....\$2,500,000  
be and is hereby appropriated as follows:

SBTIF Capital Projects Fund

Community Development Engineering Services

SBTIF Underground Utilities .....\$2,500,000

- 2) Revenue to meet said appropriation shall be provided from the following sources:

SBTIF Capital Projects Fund

Community Development Engineering Services

Bonds and Notes .....\$2,500,000

- 3) The City Treasurer, with approval of the City Manager, is authorized to issue up to two million five hundred thousand dollars (\$2,500,000) in bonds and notes of the City of Concord under RSA 162-K: 8, Chapter 280 of the Acts of 2000, and/or the Municipal Finance Act, it being the expectation of the City to pay the debt service costs on such bonds and notes from Tax Increment Revenues as designated and further described in the Amended Sears Block TIF Plan.
- 4) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes (including whether such bonds or notes shall be issued on a tax exempt or taxable basis) and providing for the sale is hereby delegated to the City Treasurer.
- 5) Sums as appropriated shall be expended under the direction of the City Manager.
- 6) The useful life of the improvements is expected to be in excess of twenty-five (25) years.
- 7) This resolution shall take effect upon its passage.

Dear Mayor and City Councilors:

I ask you to vote against the petition for a buffer zone around the Feminist Health Center. This would be an abrogation of freedom of speech and freedom of assembly.

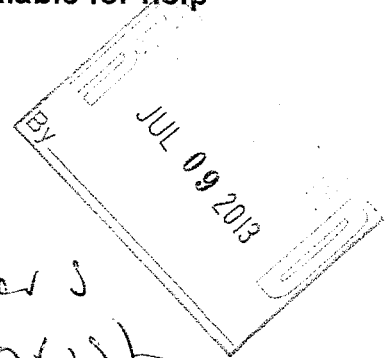
Why are people afraid of peaceful prayer and the spoken truth? The consequences of an abortion are felt for many years and prayer and sidewalk counseling can help in the healing process and of course make a woman think twice about such a monumental decision.

A buffer zone would be shouting to the public- abortion is the only choice. And as we know, pregnancy centers are available for help and guidance. We need to be more rational.

Please vote against this petition.

Sincerely,

Father John Loughnan  
and the following members  
of Our Lady of Lourdes Parish  
20 River Road, Pittsfield,  
New Hampshire.





# PETITION

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any request to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children

Ev Barberso Miller R.H. Stoddard

Alice Lunde Pittsfield

Kendall D Cote 34 Catamount Rd. Pittsfield, NH

Diane L. Cote 34 Catamount Road Pittsfield NH

Denis R Sarr 362 Blais Hill Northwood NH

Cindy A Charitte 5 Phippen Pittsfield NH

Denise Parker 70 Darska Rd Pittsfield NH

Donna Juelha Darska Rd Pittsfield

Marie Mac Donald 37 Damsite Rd Barnstead

Julio Matarese 37 Damsite Rd Barnstead

John Matarese 37 Damsite Rd Barnstead

John Matarese 37 Damsite Rd BARNSTEAD

Geraltine O'Brien 132 Main Rd Pittsfield, NH

Margaret A. Wade 1566 Dover Rd, Epsom, NH

Kirby Jappe

" "

Lyle Jappe

" "

Alex Jappe

" "

Joseph Beatty

34 Catamount Rd. Pittsfield, NH

7/3/2013

Robert Sherron

Goffstown

Elizabeth 20 River Rd Pittsfield, NH

# PETITION

7/13

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any request to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children

Margaret Perkins Barnstead NH  
 Lem M Perkins Ctr. Barnstead, NH 03225

Anna J. Welch 818 So Barnstead Rd Ctr. Barnstead NH

Cyda Miller 819 So Barnstead Rd Ctr. Barnstead

Albert Meris, Pittsfield NH

Paulette Buyer Center Barnstead NH

James Cyr 417 Pittsfield, NH

Lynn Bly Barnstead, NH

Laverne Bly Barnstead NH

Joseph Darfield, NH 03037

Karen Cote Darfield NH

Denise Telbeth Barnstead NH

Joseph A Michaud Northwood NH

James S Michaud Northwood NH

Deanne C Mayo Strafford, NH 03884

Frank R. Mayo Strafford NH 03884

7/3/2013

Pat Jacobsmeier Northwood, NH 03261

Pauline B. Marston Northwood, NH 03261

# PETITION

7/11/13

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any request to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children

Kyle Bippus

Gay Ann Cooney

Patricia Moore

Ellen Barbasso Pittsfield NH

Maurice Bates

Noella Gregoire P.O. Box 95 Barnstead, N.H. 03218

Mary E Fuller Pittsfield NH

Brig Zankts Epsom, N.H. 03234

Richard Baucher Epsom, NH 03234

Michelle E Clark Barnstead, NH 03218

Susan M Zoiak Epsom, NH. 03234

Dianne Lombardo Epsom, NH 03234

Erica Pantis, Pittsfield, NH, 174 WILLOWOOD DR.

Phyllis Reynolds Melrose, MA, 31 Sherwood Rd

Christopher M. V. de Melrose MA

7/3/2013 Nati Kline Ch. Barnstead

Joseph A De Velis 35 Woodcott Dr Epsom

Charles F. Lane 28 Swiggery Brook Rd Chichester

Carolyn Lehman 30 So. Shore Dr., Barnstead

# PETITION

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any request to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children

Paul Belliveau Sr.

~~Paul C. Fish~~

Jane C. Fish

John Goody

Mary Orff

Anna C. Blumenthal Sr.

Gloria Hartgen

Roger Hartgen

RR Paulsen

Joseph L. Carriere

John D. Ocker

Kenneth A. Ocker

Donald R. Placine

Jaune Montane

John C. McQuinn

Mary M. Forrest

James W. Munroe

Monnie Munroe

Steven J. Bokuniewicz

Egon Berg

Ada C. Griffin

Frank Luff

Michael Bascom

Franklin Durr

Leresa Bascom

James Medora

7/3/2013

JUL 1 9 2013

JUL 1 2 2013

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# BACK / Signatures A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

PRINT Name	SIGN Name	Address	City and Zip
STUART ARNETT	STUART ARNETT	10 FISK RD	CONCORD NH
JANICE H BUCKLEY	JANICE H BUCKLEY	195 Main St	CONCORD NH
ROSALIE ST CLARKSKIR	ROSALIE ST CLARKSKIR	38 DICKERSON	CONCORD NH 03305
MARY HOPE ALLEN	MARY HOPE ALLEN	23 TYLEANE	CONCORD NH
SHERY MCCANN WELHAM	SHERY MCCANN WELHAM	23 DICKERSON ST	CONCORD NH 03301
STATHEN STABLE	STATHEN STABLE	41 1/2 JAMES ST	CONCORD NH 03301
ELIZABETH BAILEY	ELIZABETH BAILEY	114 PORTLAND ST	CONCORD NH 03301
ALYCE R. GEAR	ALYCE R. GEAR	22 PLEASANT ST	CONCORD NH
FRANCE ALLEN	FRANCE ALLEN	334 S. MAIN ST	CONCORD NH 03301
LOIS SLOD	LOIS SLOD	35 N. FRUIT ST	CONCORD NH 03301
ANDREW TULL	ANDREW TULL	35 N. FRUIT ST	CONCORD NH 03301
TIFFANI FRISSELLA	TIFFANI FRISSELLA	1045 LAKE AVE	MANCHESTER NH 03103
LINDA H. MOORE	LINDA H. MOORE	18 HOLLY ST	CONCORD NH 03301
SEAN C. MOORE, JR.	SEAN C. MOORE, JR.	15 WOLLY ST	CONCORD NH 03301
LUCELLE LETALEIN	LUCELLE LETALEIN	26 FUNDLATT ST	CONCORD NH 03301
DANIEL LETALEIN	DANIEL LETALEIN	26 FUNDLATT ST	CONCORD NH 03301
CONSTANCE NORMANDIN	CONSTANCE NORMANDIN	180 PATTERSON HILL RD	CONCORD NH 03301
JOHN NORMANDIN	JOHN NORMANDIN	180 PATTERSON HILL RD	CONCORD NH 03301
BRYAN WESTBER	BRYAN WESTBER	63 ROBINSON RD	CONCORD NH 03301
MARGARET PETERSON	MARGARET PETERSON	88 HENRY RD	CONCORD NH 03301
WILLIAM F. PETERSON	WILLIAM F. PETERSON	88 HENRY RD	CONCORD NH 03301
ELINDA J. MORRIS	ELINDA J. MORRIS	5 MEDFORD ST	CONCORD NH 03301

JIM LARIVIERE Jan 21/2 7610 CT. Concord, NH 03301

Marie Dauterive 22 Box 143 Cambridge 03301

PAUL ALFANO 10 Ogden Dr. Bow, NH 03305

Kathleen Skelton 40 S. Spring Conc. NH 03301

Jody LARIVIERE 7610 CT. Concord, NH 03301

Marie Fox Maria Fox 48 Ridgewood Bow 03304

Kathleen Muller 91 Wm Rd Concord NH 03301

BRIAN BLAKE 50 Carter Way STRATFORD NH 03884

Robert Blake 50 Carter Way Stratford NH 03884

Robert A. Sullivan 40 Mulberry St Concord, NH 03301

BENIE DORAN 27 WALTER, PITTSFIELD, NH. 03263

Lynette Blum 135 Smith Ave. Pembroke NH 0326

R.T. Blum 135 Smith Ave. Pembroke NH 03275

Eddie Sweter 24 Bow Lane Pemroke NH 03275

Diane Linnir 24 Bow Lane Pembroke NH 03275

Patricia Griffin 26 Hazel R. Concord NH 03301

Bruce Griffin 26 Hazel Dr. Concord NH 03301

Kathleen Moulis 19 Herbert Pk. Concord, NH 03301

David Moulis 325 PEARSON ST Concord, NH 03301

David Moulis 325 PEARSON ST Concord, NH 03301

Robert Moulis 325 PEARSON ST Concord, NH 03301

Robert Moulis 325 PEARSON ST Concord, NH 03301

Robert Moulis 325 PEARSON ST Concord, NH 03301

# A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

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PRINT Name	SIGN Name	Address	City and Zip
Hilary Kilcullen	A.D.S. Roll	19 Lyness St	Con. 03301
<del>James Kilcullen</del>	<del>James Kilcullen</del>	<del>19 Lyness St</del>	<del>03301</del>
Suzanne Villant	Suzanne Villant	2 Town Path Lane	Concord 03301
<del>James Villant</del>	<del>James Villant</del>	<del>" "</del>	<del>" "</del>
Kare Jackson	Kare Jackson	33 Manor Rd	Penacook 03303
Ellen M Jackson	Ellen M Jackson	33 Manor Rd	Penacook, 03303
Michael E Griffin	Michael E Griffin	26 Hazel Dr	Concord 03301
Emily Belleville	Emily Belleville	248 S. Main St	Concord 03301
Maebach Lee	Maebach Lee	32 Ridge Rd	Concord 03301
Mary Bart	Mary Bart	2 Village Road	Bow 03304
<del>Paul Bart</del>	<del>Paul Bart</del>	<del>214 Prospect St.</del>	<del>Concord NH</del>
Jim Planchet	Jim Planchet	10 South Fruit St.	Concord NH
Emily Planchet	Emily Planchet	10 South Fruit St	Concord NH
Reema Planchet	Reema Planchet	49 Belg Brook Ln	Concord 03301
Elaine Planchet	Elaine Planchet	" "	" "
<del>Maebach Lee</del>	<del>Maebach Lee</del>	<del>Carrier Dr.</del>	<del>Bow NH 03304</del>
Jack Yunes	Jack Yunes	102 Park Dr	Bow NH 03304
Laurie Bello	Laurie Bello	2 Terry Ln	Bow NH 03301
Laurie Bello	Laurie Bello	" "	" "
Robert J. Lloyd	Robert J. Lloyd	4 Fairview Dr	Concord NH
Maebach Lee	Maebach Lee	1 Shasta Rd	Bow NH 03304
Benoit Shota	Benoit Shota	19 Perry St	Concord 03301

# A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

PRINT Name	SIGN Name	Address	City and Zip
J. McComb	J. McComb	925 S. 30th St.	Concord NH 03301
J. Smith	J. Smith	30 S. Concord St.	Concord NH 03301
J. Smith	J. Smith	30 S. Concord St.	Concord NH 03301
J. McComb	J. McComb	17 N. Village Road	Concord NH 03301
Grethen Tucker	Grethen Tucker	34 Perkins St.	Concord NH 03301
R. Amicarella	R. Amicarella	3 Perkins St.	Concord NH 03301
Martha Muller	Martha Muller	91 Mountain Road	Concord NH 03301
Ed Grace	Ed Grace	137 School St.	Concord NH 03301
Anthony Russo	Anthony Russo	11 Berwick Rd	Concord NH 03301
Christina Lopez	Christina Lopez	115 Liberty St.	Concord NH 03301
Robert DeLeon	Robert DeLeon	28 Calhoun St.	Concord NH 03301
Rose Mary Sparger	Rose Mary Sparger	54 Putnam Circle	Concord NH 03303
Terence Leva	Terence Leva	331 Hopkinton Rd	Concord NH 03301
Anthony Marino	Anthony Marino	212 Elm Avenue St.	Concord NH 03301





# A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

PRINT Name	SIGN Name	Address	City and Zip
David Schneider	David Schneider	2559 Paper Mill Ln	Hemlock, 20121
Erin Jones	Erin Jones	913 Alton Woods	Concord 03301
Paula Gooding	Paula Gooding	30 ROGERS AVE	Concord 03301
John A. Leusink	John A. Leusink	160 Primrose Lane	Concord 03301
SEANINE FIORILLO	SEANINE FIORILLO	26 RUMFORD ST	Concord 03301
DON LETALIER	DON LETALIER	26 RUMFORD ST	Concord 03301
Lucy Letalier	Lucy Letalier	26 RUMFORD ST	Concord 03301
Roger Kessler	Roger Kessler	259 E. Side Dr	Concord NH 03301
Patricia Kessler	Patricia Kessler	12 Thomas St	Concord NH 03301
Alex Saffian	Alex Saffian	18 Tara drive	Concord NH 03301
Aaron Saffian	Aaron Saffian	18 Tara drive	Concord NH 03301
Barbara Smeist	Barbara Smeist	215 Clinton St	Concord NH 03301
Stacy Smeist	Stacy Smeist	5 Shawbury Dr	Concord NH 03301
Steve Ostrowski	Steve Ostrowski	85 Hardy Rd	Concord NH 03301
Ken Ostrowski	Ken Ostrowski	34 Spring Dr	Concord NH 03301
Ellen Schaffer	Ellen Schaffer	11 Doran Road	Concord NH 03301
Marie Salver	Marie Salver	3 Rochester Lane	Concord NH 03301
Richard Robidoux	Richard Robidoux		Concord
Dorothy Lake	Dorothy Lake		Concord

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

PRINT Name	SIGN Name	Address	City and Zip
Joseph E. Mamusch	Joseph E. Mamusch	3041 NW Hwy <del>Concord</del> 114	Roseau, NH 03303
Joshua C. Stanko	Joshua C. Stanko	133 Ashland Street	Manchester, NH 03104
Mary Winer	Mary Winer	23 Chestnut Cir	Boudon, NH 03307
Galen Collins	Galen Collins	111 CLAYTON HILL RD <del>114</del>	Londun, NH 03507
Michael Fitzgerald	Michael Fitzgerald	12 Bellview Ln Concord	Concord, NH 03301
Michael's Son's 1st	Michael's Son's 1st	58 Branch Pt	Concord, NH 03301
Gail P. Higgins	Gail P. Higgins	493 Woodlawn Rd Concord	Concord, NH 03307
Niveille Kobioka	Niveille Kobioka	171 E Loudon Rd ART 107	Concord, NH 03301
Sabine GCHILKENTHUT	Sabine GCHILKENTHUT	121 Loudon Rd ART 109	Concord, NH 03301
Robert Hurta	Robert Hurta	2 HAMPTON ST	Concord, NH 03301
Alta Sharpness	Alta Sharpness	23 Amesbury Rd	Concord, NH 03301
Paul Carlin	Paul Carlin	6 Governor's Way	Concord, NH 03303

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

PRINT Name	SIGN Name	Address	City and Zip
RITA + RICHARD McGOON	[Signature]	39 Denny Field Rd	Danvers MA 01928
Micheline West	[Signature]	63 Hemlock Hill Dr	Larchmont NY 10538
Cecil O'Donnell	[Signature]	3 Supt Trute Dr	Melrose N.H.
Judy O'Donnell	[Signature]	3 Heights Rd	Carroll 03301

July 15, 2013.

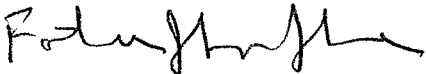
Dear Your Honor and Members of the City Council,

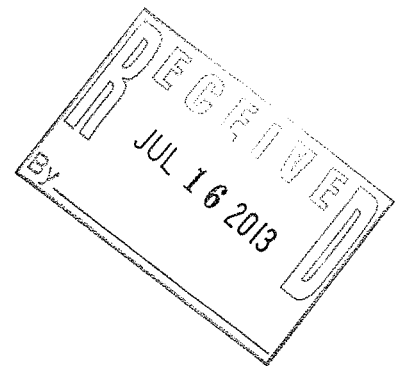
Good day. We hope that your summer is going very well.

Enclosed are signatures from our parishioners who are opposed to a buffer zone around the abortion clinic in Concord.

We hope that you will vote against a buffer zone.

Thank you so much.

Sincerely,   
Father John Loughnane, Pastor  
Our Lady of Lourdes Parish  
20 River Road  
Pittsfield, New Hampshire, 03263



# PETITION

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any request to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children

Roger P. Hartz

Yvonne Sabini

James Welsh

Gloria Hartzen

~~Paul Belliveau~~

Paul Belliveau

Tom Farrelly

Erin Farrelly

Kathleen Farrelly

Debbie Farrelly

Anelise Martinec

Denzel Martinec

7/3/2013

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Patricia G. Jacobmeyer  
Eileen Buyno  
John O. By  
Tracey Allen  
Shirley Paulinkonis  
Lisa A. Preston  
Aynne E. Farnow  
Jeannette Preston  
Joyce Mimicci  
Dan Conyon  
Eugene A. Mercier  
Paul Sartor  
Roger Marel  
Jeanne Foster  
Claire Garmonson

7/3/2013

Gerda Igus  
John M.

Naloro R. McKel  
Julie Raymond  
Arthur Raymond  
Rhonda Bachner  
Steve Bachner  
Allen H. A.  
Maurice Hussey  
Eileen Dennis  
Joseph W.  
Chris H.  
Jeanne Cyr  
Pat Prescott  
Bob Prescott  
Karen Cote  
L 13  
JOSEPH COTE  
Laraine Bly

# PETITION

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Ben Amos

Barry Amos

Don Collier

Grace Lusches

Michael Desrochers

Christian Desrochers

Joseph Buckley

J. Brandon Lunda

Matia Guir

William Duffey

Rachel LePerle

Don LePerle

Denise Curry

Nese Jones

N.D.T.

Marilyn Hurley

Rachel Murphy

7/3/2013

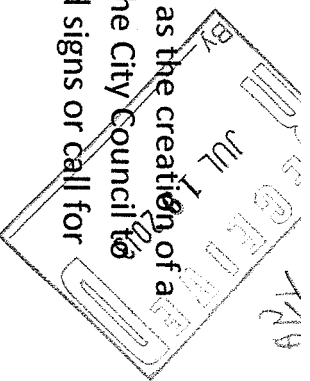
John M. Brown

Kate Miron

# A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

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PRINT Name	SIGN Name	Address	City and Zip
Kevin Barnard	Kevin Barnard	62 Newmarket Dr	NASHUA 03062
Pauline Cepelley	Pauline Cepelley	115 L. Beech St	Concord 03301
PAMELA EMM	PAMELA EMM	286 Pleasant St.	Concord 03301
Maureen Liakas	Maureen Liakas	Cleaview Dr.	Bow 03304
Marie DeRosier	Marie DeRosier	137 School St	Concord 03301
William Beall	William Beall	102 Peaked Hill Rd	Hopkinton 03229
DAVID A. DALE	DAVID A. DALE	5 Cornell St	Concord 03301
Mure Davis	Mure Davis	162 Pamela Dr.	Hopkinton 03229
Joan Cleveland	Joan Cleveland	45 Woodlark	Concord 03301
Carlene McManis	Carlene McManis	44 Newell St.	Concord 03301
<del>Debra Byrne</del>	<del>Debra Byrne</del>	<del>210 Academy Rd</del>	<del>Pembroke, NH 03271</del>
Joan Byrne	Joan Byrne	210 Academy Rd	Pembroke, NH 03271
Rose Flueby	Rose Flueby	84 Branch St	Concord NH 03301
William Byrne	William Byrne	336 Pembroke Hill Rd	Pembroke, NH 03275
LINDSAY BYRNE	LINDSAY BYRNE	330 Pembroke Hill Rd	Pembroke NH 03275
Pauline Byrne	Pauline Byrne	81 Fisherville Rd	Concord NH 03303
John Smith	John Smith	91 N. Main St	Boscawen, NH 03303
Aileen H. Smith Sr	Aileen H. Smith Sr	91 N. Main St	Boscawen, NH 03303
Rita Potalupi	Rita Potalupi	38 Ridgewood Dr.	Nashua 03064
Carol Todd	Carol Todd	3048 Parkside Dr.	Concord, NH 03301
MARY JANE BAILEY	MARY JANE BAILEY	14 Coburn St	Concord, NH 03301
Robert G. Bailey	Robert G. Bailey	"	"



# A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

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PRINT Name	SIGN Name	Address	City and Zip
Holly Mielcar	Holly Mielcar	38 South Main	Concord NH 03301
Joseph Lester	Joseph Lester	38 South Main	Concord NH 03301
Cynthia Cann	Cynthia Cann	36 Rogers Ave	Concord, NH 03301
<del>Stephen</del>	<del>Stephen</del>		
S. J. J. J. J.	S. J. J. J. J.	4 Locust St	Concord NH 03301
Barbara R. R. R. R.	Barbara R. R. R. R.	28 N. Main St	Concord, NH 03301
Barbara R. R. R. R.	Barbara R. R. R. R.	10 North St	Concord
Barbara R. R. R. R.	Barbara R. R. R. R.	4 Cornell St.	Concord 03301
Barbara R. R. R. R.	Barbara R. R. R. R.	"	"
Michael R. R. R. R.	Michael R. R. R. R.	26 Commercial St.	Concord NH 03301
Grace R. R. R. R.	Grace R. R. R. R.	28 Commercial St	Concord, NH 03301
Ann Capson	Ann Capson	23 Violet Way	Concord NH 03301
Bonnie Ray	Bonnie Ray	16 Judith St.	Concord NH 03301
Heaven Taylor	Heaven Taylor	205 London Rd	Concord, NH 03301
Alan Bessette	Alan Bessette	319 N. Bennington Rd	Concord NH 03301
Anna Bessette	Anna Bessette	319 N. Bennington Rd	Concord NH 03301
Joseph R. R. R. R.	Joseph R. R. R. R.	10 Canterbury Ln	Concord, NH 03301
Geoffrey R. R. R. R.	Geoffrey R. R. R. R.	1 East Ave	Concord 03301

# A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

PRINT Name	SIGN Name	Address	City and Zip
Catherine Morson	Catherine Morson	31 Tremont St.	Roscamen 03303
Daniel Sanders	<del>Daniel Sanders</del>	49 Echo Valley Farm Rd	EPSON 032354
Terri Tolet	<del>Terri Tolet</del>	30 Court St	Concord 03301
Mary Kelly	MARY KELLY	7 DEAN AVE Box	Box 03302
Geraldine A. Dubik	Geraldine A. Dubik	23 Putney Rd	Box, NH 03304
Douglas T. Dyer	Douglas T. Dyer	23 Putney Rd	Box, NH 03304
Craig + Susan Custer	Craig + Susan Custer	9 Gallen Dr	Concord, NH 03303
Mandy Mary Yvonne	Mandy Mary Yvonne	102 Pegg	Box 03304
Daniel Yvonne	Daniel Yvonne	"	"
Brenda Rych	Brenda Rych	511 Rosedale Lane	Cambridge NH 03235
Gladys Planchet	Gladys Planchet	49 Lake Brook Ln	Concord NH 0330
Lois Jeanette	Lois JEANNETTE	6 WARES HILL ST	Concord
ANDREA MORIN	ANDREA MORIN	23 ROGER AVE	CONCORD 03304
Gerard Morin	Gerard Morin	23 Hope Ave.	Concord 03301
Brian Morin	Brian Morin	35 Higgins Rd.	Chichester 03258
Elizabeth Morin	Elizabeth Morin	35 Higgins Rd	Chichester 03258
<del>Mary Sanders</del>	MARY SHANAHAN	6 Bow Center Rd #2-107	CONCORD 03301
Mary Sanders	Mary Sanders	49 Echo Valley Farm Rd	EPSON, NH 03234
Kevin C. Hayes	Kevin C. Hayes	30 Rabbit Rd	Salisbury NH. 03265
Ann Schran	Ann Schran	9 Thompson St.	Concord NH. 03301
William Todd	William Todd	35 No Fruit St.	Concord, NH 03301

# A PETITION TO THE COUNCIL OF THE CITY OF CONCORD

We, the undersigned, oppose the City of Concord singling out pro-life speech for special restrictions such as the creation of a no-speech zone on the public sidewalks around the abortion clinic at 38 South Main Street and petition the City Council to deny any requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

PRINT Name	SIGN Name	Address	City and Zip
T. H. Van Horn	T. H. Van Horn	38 South Main Street	Concord 03301
SEYMOUR FORD	SEYMOUR FORD	35 Maple Street	Concord 03301
MARK GARROW	MARK GARROW	35 Maple Street	Concord 03301
BEVERLY GUNZIE	BEVERLY GUNZIE	35 Maple Street	Concord 03301
BRIGGS POSEY	BRIGGS POSEY	35 Maple Street	Concord 03301
WILLIAM RICE	WILLIAM RICE	35 Maple Street	Concord 03301
JOHN ELLIOTT TRENKLE	JOHN ELLIOTT TRENKLE	37 Alice Dr. #40	Concord NH 03303
THOMAS CAMPBELL	THOMAS CAMPBELL	37 Novels St	Concord NH 03303

AUG 06 2013

8th Fl

We, the undersigned, petition the Concord City Council to deny any request for a "buffer zone" around the Concord Feminist Health Center at 38 South Main Street. The sidewalks are public property. We also petition the City Council to deny any further requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

NAME	ADDRESS	DATE
Heather Macaulay	227 BELKNAP DR Pembroke NH 03275	6/30/13
Brenda Macaulay	51 HAYNES RD DEERFIELD, NH	6/30/13
Dorothy Nichol	51 Haynes Rd DFld NH	6/30/13
John Vallie	2 Pismo Av. Sumner, N.H.	6-30-13
Debra Sakamoto	23 Parkwood Dr Allentown	6-30-2013
Sam Langlais	53 WHITETAIL DR. EPSOM, NH	6/30/13
Jan Omspel	668-1 Thompson Rd Pembroke NH	6-30-13
Stephanie Langlais	53 whitetail drive. Epsom. NH	6/30/13
Jouane Langlais	53 Whitetail Dr. Epsom, NH 03234	6/30/13
Emily Langlais	53 whitetail Dr. Epsom, NH 03234	6/30/13
DON CONNER	349 Church Rd Pembroke 03275	
Arlene Chapman	8 Skyview Terrace Pembroke 03275	
Betty Meekes	64 Sagewood Cir Hooksett 03106	
John Meekes	" " " " "	
Michelle Petit	167 Main St. Pembroke, NH 03275	
Rita Hamel	25 River Road Allentown N.H.	
Diane Anat	62 Merrimack St Hooksett 03106	
Naella Helen	5 Sunnyside Allentown 03275	
Melba C Blai	39 HIGH ST Pembroke NH 03275	

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NAME	ADDRESS	DATE
Barbara Donovan	261 Middle Rd. Deerfield NH	6-28-13
Welfred Boutin	8 Day St Epsom NH	6/28/13
Jana Boutin	8 Day St Epsom N.H.	6/28/13
Connie Lafond	Allenstown NH	6-28-13
Ann Emond	Hooksett N.H.	6-28-13
Ann Lofgren	Pembroke NH	6/28/13
Richard Lodi	Hooksett NH	6-29-13
Bertha Cusson	Hooksett N.H.	6-29-13
Gerard Cusson	Hooksett NH	6-29-13
Maurice Cusson	" "	" "
Veronica Cusson	" "	" "
Theresa Connor	Allenstown NH	6/29/13
Raymond Connor	Allenstown NH	6/29/13
Jan Chelmo	Pembroke NH	6-30-13
Brenda G Pitman	Pembroke, NH	6-30-13
Cathy W. Elliott	Pembroke, NH	6/30/13
Carol Maxwell	Pembroke, NH	6/30/13
Suzanne Peterson	"	6/30/13
Gabrielle Murphy	285 South Rd Deerfield NH	6/30/13

We, the undersigned, petition the Concord City Council to deny any request for a "buffer zone" around the Concord Feminist Health Center at 38 South Main Street. The sidewalks are public property. We also petition the City Council to deny any further requests to impose new additional restrictions on our constitutional rights to publicly pray, hold signs or call for mothers to choose life for their preborn children.

NAME	ADDRESS	DATE
Jacob Donovan	261 Middle Rd. Deerfield, NH 03037	6/29/13
Noreen Blain	5 Ray Ct., Allentown NH 03275	6/30/13
Sue Blay	739 B.D. Pembroke NH 03275	6/30/13
Robyn Chadwick	739A N. Pembroke Rd NH 03275	6/30/13
Nathan Chapman	85 Sky View Terrace Pembroke NH 03275	6/30/13
Daniel Eliaz	305 Dearborn Rd, Pembroke NH 03275	6/30/13
Aaron M. Chase	" " " " " "	" " " "
Patricia Shrader	13 Lubern Ave Allentown, NH	" "
Christina M. Chay	305 Dearborn Rd, Pembroke NH 03275	6/30/13
Evelyn Floresca	P.O. Box 217 Pembroke N.H. 03275	" "
Michelle Donnan	261 Middle Rd. Deerfield, NH, 03037	6/30/13
Jacqueline Donnan	261 Middle Rd. Deerfield. 03037	7-17-13



8 Info

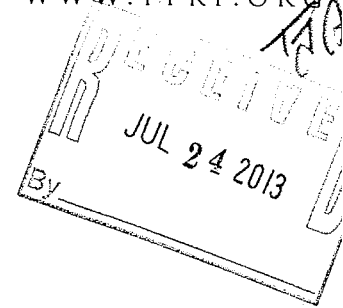
# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

July 17, 2013

**SENT VIA U.S. MAIL & EMAIL**  
**jpbouley@comcast.net**

The Honorable Jim Bouley  
and Members of the Concord City Council  
Concord City Council  
41 Green St.  
Concord, NH 03301



Re: Possible Combining of Midnight Merriment with Christmas Tree Lighting Ceremony

Dear Mr. Bouley and Members of the Council:

I am writing on behalf of the Freedom From Religion Foundation ("FFRF") to address concerns regarding the Concord City Council's ("Council") discussions about combining Intown Concord's Midnight Merriment with Concord Grange's annual Christmas tree lighting ceremony. We were contacted by concerned local residents. FFRF is a national nonprofit organization with over 19,000 members, including many in New Hampshire. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that the annual Christmas tree lighting ceremony in Concord is sponsored by Concord Grange, a private organization.<sup>1</sup> It is also our understanding that the Christmas tree lighting occurs at the State House Plaza and that the tree lighting event uses government services.<sup>2</sup> We understand that along with a Christmas tree, a crèche and menorah are also located at the State House Plaza during the winter holiday season.<sup>3</sup> It is our understanding that during the lighting ceremony each year, a minister or preacher is scheduled to do a blessing.<sup>4</sup> Rev. Robert Reed is scheduled "to rededicate the Creche [sic]" at the 2013 Christmas tree lighting ceremony.<sup>5</sup> Currently, the Council is considering combining the annual Christmas tree lighting ceremony with Intown Concord's Midnight Merriment.<sup>6</sup>

<sup>1</sup> Laura McCrystal, "Concord councilors talk of combining Christmas events," *Concord Monitor*, July 12, 2013, available at <http://www.concordmonitor.com/community/town-by-town/concord/7460847-95/concord-councilors-talk-of-combining-christmas-events>

<sup>2</sup> *Id.*

<sup>3</sup> Dick Patten, "Threats to Concord Christmas Tree Lighting," *Concord Patch*, July 11, 2013, available at <http://concord-nh.patch.com/groups/how-did-christmas-tree-lighting-begin/p/threats-to-concord-christmas-tree-lighting>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> McCystal, *supra* note 1.

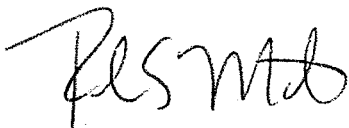
We'd like to remind the Council that if it decides to combine the two events—the annual Christmas tree lighting ceremony and the Midnight Merriment—the new event must be secular in nature.

The Establishment Clause of the First Amendment to the United States Constitution prohibits the government from endorsing, advancing or promoting religion. It would be illegal and inappropriate for government services and government property to be used at a public event with an overtly religious rededication of a crèche, such as is currently scheduled for the 2013 Christmas tree lighting ceremony, or a religious blessing, which has been scheduled at past lighting ceremonies.<sup>7</sup> This practice would have the effect of government endorsement of religion. The proposed rededication of a crèche at the lighting ceremony would send the message that Concord prefers religion, specifically Christianity, over non-religion. It alienates non-believers and non-Christians in Concord by turning them into political outsiders in their own community.

A holiday tree lighting ceremony is a secular event for the public. As the Supreme Court has stated: "The government may acknowledge Christmas as a cultural phenomenon, but under the First Amendment it may not observe it as a Christian holy day by suggesting people praise God for the birth of Jesus." *Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573, 601 (1989). It would be inappropriate for Concord to incorporate religion into an inherently secular and public event for its citizens. Concord ought not to lend its power and prestige to Christianity, amounting to a governmental endorsement that excludes the nearly 20% of the American population that is nonreligious (Pew Forum on Religion & Public Life, 2012), and the many other Americans who are a part of non-Christian religions, such as Judaism, Islam, and Buddhism.

We ask that if the Council decides to combine the two events, that the new event remain secular and neutral towards religion. May we hear from you at your earliest convenience?

Sincerely,



Rebecca S. Markert  
Staff Attorney

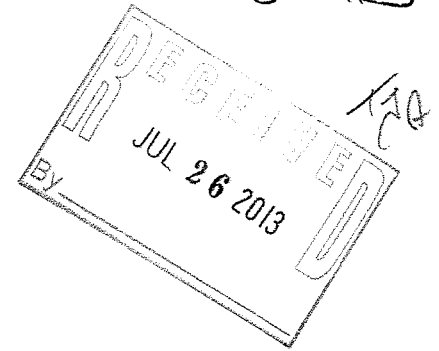
RSM:ajl

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<sup>7</sup> See Patten, *supra* note 3.

July 25, 2013

School Board of the Merrimack Valley School District  
105 Community Drive  
Penacook NH 03303



Dear School Board Members,

I want to thank Mr. Godfrey for his letter of June 6, 2013 on behalf of all the School Board. There were no surprises to me regarding Mr. Godfrey's answers to my questions as I had surmised what his answers would be. My only surprise was that Mr. Godfrey did not allow the other towns the privilege to read his response to my letter. Therefore I am enclosing a copy for the other towns in the school district.

On page 2 of Mr. Godfrey's letter under "Response" he indicated that many factors are considered putting together a proposed budget. Which I totally understand. One of these factors he stated is that the district's cost per pupil is under the State average by \$700. This statistic is only a statistic and if the district can maintain the quality of education by cutting the budget per student even more, then the board should do so. The bottom line is that the "money voted in each year by the taxpayers" does not belong to the "school board". It belongs to the taxpayers of the district. The board members are only "stewards" of our money.

I believe that there are areas in the school district where money can be saved. Small amounts of money in different areas can add up to one million dollars or more very quickly. Let me give you an example of what I am referring to. Back in the Spring I asked the business office for a copy of the checklists of each Town that voted at the March meeting. That request was several hundred copies. If you would like the exact number, let me know and I will count exactly how many? I offered to pay for the copies but was told no charge. With this type of practice in the school district can you imagine the total waste that occurs, and what it costs the taxpayers. In my opinion this is not being good stewards of the taxpayer's money.

In page 2 (d) of my original letter I asked about the employees retirement and benefits program. Mr. Godfrey totally ignored this issue in his reply to me. I would like to know what needs to occur to bring this into discussion with the taxpayers and that changes can eventually be made. The taxpayers cannot sustain the high percentage of payment of the employees retirement and benefits package that is presently in place.

Then in Mr. Godfrey's response, in my opinion he totally evaded and resisted my request regarding looking into possibly privatizing transportation, custodial, food service, technological services and some secretarial services. I read in the "meeting packet" online that the board is putting something together "why we own our transportation." We the taxpayers would like the board and it's committees to

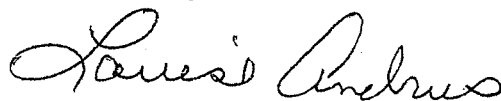
compile current facts and figures and present this information to the taxpayers. With this information we can ascertain whether or not we want to privatize some services. This is an issue which I believe the school board does not want to deal with. If the school board does not want to take up these issues with the taxpayers I want to know as I have other avenues in place I will pursue outside the school district.

Finally, there is some information that I would like to request from the school board regarding the school district and summer employment:

1. I request a list of all summer temporary 2013 positions in the school district. On that list I would like: name of position, location in school district, total hours hired per week, and hourly wage.
2. Then I request a list of where and when all the positions were posted? Specifically name of newspapers or online websites, etc.
3. Then I request a list of the positions that were filled, if any, with relatives of present employees and school board members.

Thank you for your help and am looking forward to hearing from you.

Sincerely,



Louise Andrus  
406 Raccoon Hill Rd  
Salisbury NH 03268

Cc: Selectmen  
Town of Loudon

Selectmen  
Town of Salisbury

Selectmen  
Town of Webster

Selectmen  
Town of Boscawen

City of Concord for  
Penacook

MICHAEL J. MARTIN  
Superintendent of Schools

**School Administrative Unit No. 46**

Andover-Merrimack Valley  
105 Community Drive  
Penacook, New Hampshire 03303

ROBIN HEINS  
Business Administrator

CHRISTINE BARRY  
Assistant Superintendent

KATHLEEN BOUCHER  
Human Resources Manager

June 6, 2013

Mrs. Louise Andrus  
406 Raccoon Hill Road  
Salisbury, NH 03268

Dear Mrs. Andrus:

The school board is in receipt of your letter dated May 30, 2013 regarding budgeting. As you may know, the budget preparation process starts in the fall each year at the finance committee level. The public is welcome and encouraged to attend these meetings so that they may better understand the budgeting process. Additionally, the board holds a public hearing each January to present the proposed budget to the five towns. Again, the public is welcome and encouraged to attend this public hearing to ask questions, etc. Please allow me the opportunity to respond to your detailed questions. I have used italics for your questions to differentiate questions from responses.

*Why isn't the remainder of under budget money at the end of the 2013 fiscal year, that is not spent for customary and usual expenses sent back to the Towns in the school district to reduce property taxes?*

Response: The remainder of under budget money (unreserved fund balance) is always turned back to the towns for property tax relief. Please refer to page 30 in the 2013 annual report revenue column (unreserved fund balance \$613,003).

*Regarding the suggestion of paying off the remaining bus leases, are these leases already budgeted? If the answer is no, why are the leases not included in the budget process? Is there money budgeted and the school board approves payment of the leases with under budget money from the 12-13 monies, what does the school district do with the extra money it will have in the budget for bus leases?*

Response: Bus lease payments ARE included in the 13-14 budget. Early payment of outstanding bus leases reduces the amount of interest paid on the leases. If a bus lease is retired early, then that money does not have to be included in the proposed budget for the following year(s).

*The accounts in the previous paragraph are usual and customary in that the school district will not be hiring a number of additional teachers. According to the 2013 annual report enrollment summary is decreasing and the increase in salaries and benefits was already known. Having knowledge of this information, why were such additional increase amounts requested in March when the school board would have known or should have known an estimate of how much money was going to be under budget at the end of the 2012-2013 fiscal year? I feel like, we the taxpayers were possibly misled at the school meeting in March.*

Response: There are many factors the board considers when putting together a proposed budget. Included in these factors is the cost per pupil. Merrimack Valley's cost per pupil is more than \$700 less than the state average. Another area the board considers is the budget history. The budget has increased \$702,684 or 1.98% from 2008-2009 through 2012-2013.

2008-2009	\$35,483,302
2009-2010	\$36,282,906
2010-2011	\$36,346,654
2011-2012	\$35,739,116
2012-2013	\$36,185,986

Finally, the goal of the finance committee and school board is to aim for a 3% fund balance each year, which on a \$36,185,986 budget is just over one million dollars. The purpose of this target allows the district to manage and handle unforeseen situations that may arise during the fiscal year. This practice has been endorsed by our auditor.

#### **Spreadsheet responses:**

*Why was \$110,015 transferred to this account when there is going to be a \$236,085.08 under budget available? Where was the \$110,015 transferred from?*

The \$110,015 transfer was made to the salary account last fall when moving funds that were approved under article 6 at the 2012 annual meeting. This was the \$200,000 budgeted in the 12-13 budget under the 2900 function on page 29 of the 2012 annual report). Since the bulk of the bargaining unit members (teachers, etc.) are budgeted in the 1100 function, that's where the majority of the funds were moved to. The \$236,085.08 being referred to is from the 12-13 May 7, 2013 financial report, which is where the separation pay will come from as well as substitute costs for May and June 2013.

*Why did the Annual Report show \$64,000 over budget when in reality there was going to be \$236,085.08 under budget?*

The \$64,000 being referred to is on page 24 in the 2013 annual report as being a REDUCTION for the 13-14 budget year based on teacher retirements.

*With this under budget amount of \$197,866.35, and I believe the school board would have known at the time of the school meeting why was \$387,761 asked for when approximately (unable to read figure) for the 2013-2014 school year would have been sufficient. And less could have been requested if the \$9,597 had not been transferred out of the account.*

The \$197,866.35 being referred to is on page 8 of the May 7, 2013 financial report (board packet) is where we will be paying the health, dental, retirement, etc. for the months of May and June 2013. The \$387,761 increase in the 13-14 budget being referred to is on page 24 of the 2013 annual report and is due to state mandated retirement costs and health insurance rate increases.

*Why would the board ask for \$2,000 more for the 2013-2014 school year when in March it was quite evident that there would be an under budget amount?*

The \$16,208 being referred to is on page 8 of the May 7, 2013 financial report (board packet) is monies for conferences. The increased \$2,000 is so that our new project lead the way middle school teacher (for 13-14) can attend the mandated training. The 12-13 teacher in the position is retiring this June.


*To what account(s) was the \$6,625 transferred to? Why did the board ask for \$876 more for 13-14 when it was not necessary?*

The \$6,625 was transferred was the total amount transferred in the supply and printed media accounts and the \$876 increase is the net result of changes (both increases and decreases) to a handful of individual budget lines in the supplies/printed media area of the 1100 function.

Please note that the budget details shown in the Annual Report (totals for functions and accounts) are shown for informational purposes and represent our best estimate of what we will need to spend in those areas. By law, the public only approves the total dollar amount for the entire budget, and districts are free to move monies from one area to another as needed to run the schools in the most efficient manner. When managing a budget of this size, transfers are necessary to deal with changes and needs.

I hope we have addressed your questions. Please feel free to contact me with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Godfrey', written in a cursive style.

Thomas Godfrey, Chairperson  
Merrimack Valley School Board

8INF4

**Bonenfant, Janice**

**From:** Colin Van Ostern <colinvo@vanostern.com>  
**Sent:** Friday, July 12, 2013 4:23 PM  
**To:** \* City Clerk  
**Subject:** Exec Council Report - Consulting contracts, pardons, and regional projects

Friends,

On Wednesday, the Governor & Council met in Peterborough (I joined by telephone from the hospital, a few hours after the birth of my second son, Patrick!).

Two items made some statewide news: first, at my suggestion we tabled a \$117k contract for an educational consultant so that we could get more data supporting whether that fee reflected market rates and how the contract was sourced (the contractor worked at the state Department of Ed until recently, and was the only bidder). Second, we voted to have a hearing to consider a pardon request by a Cheshire Co. corrections officer who has an old burglary conviction.

We tackled a number of issues with both specific regional importance in the district I represent, and some with statewide impact:

**(1) Projects impacting Merrimack Co & Central NH:** OK'd funding to help Freudenberg-NOK expand a facility and create 15 new jobs in Northfield, emergency funds to replace a town boiler in Warner, the Sunapee Hills conservation project in Newbury, and a 119 acre conservation easement in Canterbury.

**(2) Projects impacting the Monadnock Region:** A grant for the Shattuck Farm conservation project and California Brook Nature Area in Keene, Chesterfield & Swanzey; agreed to hold a hearing considering a pardon for a Cheshire corrections officer with a prior burglary conviction; and transportation services between Hinsdale and Brattleboro.

**(3) Projects impacting Strafford & Belknap Co:** Support to rent out No-Till farming equipment in Strafford Co, a grant for the Sprucewood Forest in Durham, private dock work on the Bellamy river, a Homeland Security grant for UNH preparedness, contract for design work to replace the Rt 4 bridge over bunker Creek in Durham, construction of the 200-space park & ride off 202 in Rochester, and a previously-tabled contract for local public health services with the Goodwin Center in Somersworth.

**(4) Other projects & policies with statewide impact:** Approved a \$6.4 MM 2-year advertising contract for the NH Liquor Commission and tabled a contract for an education consultant.

Full details on all these items are included below, as well as all positions nominated & confirmed.

The next meeting is on July 24<sup>th</sup> in Portsmouth. If you have any questions, please don't hesitate to let me know (and if you prefer not to receive these updates, just drop me an email and let me know and I'll remove you from this list).

Sincerely,  
Colin

**FULL 7/10 AGENDA: <http://1.usa.gov/154KJP7>**  
(or follow the links below for documentation of each item)

*The Council:*

### **1. DETAIL: CENTRAL NH PROJECTS**

Authorized financing of an industrial facility by the Business Finance Authority for Freudenberg-NOK General Partnership located in Northfield, New Hampshire. Action authorized a Resolution under RSA 162-I:9 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

Authorized to award a grant to the Town of Warner, NH, in the amount of \$30,000 to replace the boiler at the Old Graded School community building. Effective July 10, 2013 through June 30, 2014. **100% Federal Funds.**

Authorized the State Conservation Committee to enter into a grant with Audubon Society of NH, Concord, NH, in the amount of \$10,000 for the Sunapee Hills Project in the town of Newbury, Merrimack County. Effective upon G&C approval through April 30, 2015. **100% Other Funds – State Conservation Committee.**

Authorized to award an Aquatic Resource Mitigation Fund grant to the Five Rivers Conservation Trust (Five Rivers) in the amount of \$68,830 to purchase a conservation easement on approximately 119 acres of land in Canterbury. Effective upon G&C approval through September 30, 2014. **100% Aquatic Resource Mitigation Funds.**

### **2. DETAIL: MONADNOCK PROJECTS**

Authorized to **retroactively** amend a grant with the Monadnock Conservancy, Keene, NH, for the Shattuck Farm Project (originally approved by G&C on 4-13-11, item #20), by extending the completion date to December 30, 2013 from December 30, 2012. No Additional Funding.

Authorized the State Conservation Committee to enter into a grant with Monadnock Conservancy, in the amount of \$20,000 for the California Brook Natural Area Project located in the Towns of Keene, Chesterfield, and Swanzey, Cheshire County. Effective upon G&C approval through April 30, 2015. **100% Other Funds – State Conservation Committee.**

Authorized the petition of Thomas K. Schoolcraft requesting a pardon hearing for the offense of Burglary. The petitioner is not eligible for an annulment.

Authorized the Bureau of Rail & Transit to enter into an agreement with Connecticut River Transit Inc., Rockingham, VT, to support transportation services connecting Hinsdale, NH to Brattleboro, VT, for an amount not to exceed \$33,250. Effective upon G&C approval through June 30, 2015. **100% Federal Funds.**

### **3. DETAIL: STRAFFORD/BELKNAP PROJECTS**

Authorized the State Conservation Committee to enter into a grant with Strafford County Conservation District, Dover, NH, in the amount of \$33,000 for the Strafford-Rockingham Counties Small Farm No-Till Initiative in the towns of Strafford and Rockingham Counties. Effective upon G&C approval through April 30, 2015. **100% Other Funds – State Conservation Committee.**

Authorized the State Conservation Committee to enter into a grant with the Trust for Public Land, Boston, MA, in the amount of \$35,000 for the Sprucewood Forest Project in the Town of Durham, Strafford County. Effective upon G&C approval through December 30, 2014. **100% Other Funds – State Conservation Committee.**

Authorized amend a **sole source retroactive** lease with the City of Rochester, NH, (originally approved by G&C on 6-22-05, item #317A), for continued occupation by the Rochester District Office, by increasing the price in the amount of \$550,500 to \$2,710,187.50 from \$2,159,687.50, and by extending the term from June 30, 2013 to June 30, 2015. **60% General, 40% Federal Funds.**

Authorized Lisa/Robert Hall's request to perform work on the Bellamy River, Dover, NH.

Authorized Patrick/Sarah Hourihane's request to perform work on the Bellamy River, in Dover.

Authorized the Division of Homeland Security and Emergency Management to enter into a grant agreement with the University of NH, Police Department for emergency preparedness capabilities enhancements for a total amount of \$65,000. Effective upon G&C approval through May 31, 2014. **100% Federal Funds.**

Authorized the Bureau of Bridge Design to enter into an agreement with GM2 Associates Inc., Concord, NH, for the preliminary design for the replacement of the Red List bridge carrying US Route 4 over Bunker Creek in the Town of Durham, for an amount not to exceed \$464,496.40. Effective upon G&C approval through July 31, 2016. **100% Federal Funds.**

Authorized the Bureau of Construction to enter into a contract with Alvin J. Coleman & Son Inc., Conway, NH, for construction of a park and ride facility with approximately 200 parking spaces off US 202 in Rochester, on the basis of a low bid of \$1,349,572.60. (2) Further authorize a contingency in the amount of \$134,957.26 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through July 18, 2014. **80% Federal, 20% Turnpike Funds.**

Authorized the Bureau of Infectious Disease Control and Division of Community Based Care Services, Bureau of Drug and Alcohol Services to enter into an agreement with Goodwin Community Health, Somersworth, NH, to improve regional public health emergency preparedness and substance misuse prevention and related health promotion capacity, and implement school-based influenza clinics, in an amount not to exceed \$334,092. Effective July 1, 2013 or upon G&C approval, whichever is later, through June 30, 2015. **91.42% Federal, 4.39% General, 4.19% Other Funds.**

#### **4. DETAIL: OTHER PROJECTS & POLICIES**

Authorized to enter into a contract with Wedu Inc., Manchester, NH, for professional advertising and promotional services in the amount of \$6,427,371. Effective upon G&C approval through June 30, 2016, with the option to renew for one additional two year period. **100% Liquor Funds.**

Tabled a contract to secure the services of Karen Soule, Manchester, NH, to assist with implementing the Educator Effectiveness Initiative used by schools to improve instruction, in an amount not to exceed \$117,000. Effective upon G&C approval through June 30, 2014. **85% Federal, 15% Credentialing Funds.**

#### **5. DETAIL: APPOINTMENTS & NOMINATIONS:**

(\* = District 2 Resident)

Nominated by Gov. Hassan:

**Director of Homeland Security and Emergency Management:** Perry E. Plummer, Dover\*

**Medical Review Subcommittee:** Patricia C. Sherman, Newbury\*

**Volunteer NH Board of Directors:** Kelly A. Clark, Webster\*

**Major, NH Air National Guard:** Captain Alexis W. Bull, Dover\*

**Enhanced 911 Commission:** Douglas M. Aiken, Moultonborough

**Executive Branch Ethics Committee:** Andrew R. Schulman, Bedford

**Fish and Game Commission:** James W. Ryan, Northwood

**Historical Resources Council:** Tim Sappington & Robert B. Stephenson

**Housing Finance Authority:** John Cuddy, Freedom

**Judicial Council:** Shari J. Landry, Loudon

**Board of Land Surveyors:** William J. Doucet, Newmarket

**Motor Vehicle Industry Board:** Cameron Eldred, Hanover

**Pre-Engineering Technology Advisory Council:** Corinne Cascadden, Berlin

**Board of Psychologists:** Susan G. Vonderheide, Nashua

**Retirement System Board of Trustees:**

John T. Beardmore, Hopkinton\*

Richard A. Gustafson, Bedford

Karen A. McDonough, Peterborough

Donald M. Roy, Merrimack

John G. Wozmak, Keene\*

Confirmed:

**Board of Acupuncture Licensing:** William J. Halacy, Concord\*

**Deferred Compensation Commission:** Kevin P. O'Brien, Concord\*

**Major, NH Air National Guard:** Toby B. Pellenz, Dover\*

**Lt. Colonel, NH Army National Guard:** Kristin J. Skinner, Concord\*

**Adult Parole Board:** Leslie Mendenhall, Nashua

**Board of Dental Examiners:** Charles E. Albee, Pembroke, Stacy A. Plourde, Hooksett

**Health and Education Facilities Authority:** Jill A. Duncan, Meredith

**NH Housing Finance Authority:** Amy L. Lockwood, Deerfield

**Board of Mental Health Practice:** Dayl H. Hufford, Salem

**Municipal Bond Bank:** Mark F. Decoteau, Waterville Valley

**Public Water Access Advisory Board:** Gene H. Porter, Nashua

**Board of Veterinary Medicine:** David B. Stowe, Gilford

---  
Colin Van Ostern  
Executive Councilor, NH-02  
(603) 290-5848  
PO Box 193, Concord, NH 03302





8INF4

Bonenfant, Janice

**From:** Colin Van Ostern <colinvo@vanostern.com>  
**Sent:** Friday, July 26, 2013 8:13 AM  
**To:** \* City Clerk  
**Subject:** Exec Council Report - 10 year NH transportation plan kick-off

1/20

Friends,

On Wednesday, the Governor & Council met in Portsmouth (report below) and also held the first meeting of the 10 year transportation plan ("GACIT" – Governor's Advisory Commission on Intermodal Transportation). **The 10-year plan is a critical tool for setting state transportation priorities; if you have input on local transportation needs, please send it to me and stay tuned for a schedule of public hearings in Sept & Oct.**

Also in the news, the Dept of Education withdrew the \$117k contract that I raised questions about in the 7/10 meeting. To be clear, the policy goals and qualifications of the contractor were not in question, but the contract was awarded to a recent Department employee in a process too fast and loose, and I agree it was appropriate to be withdrawn while an alternative solution is identified.

We also tackled a number of projects with both specific regional importance in the district I represent, and some with statewide impact (summary here, full items and links on each at end of report):

(1) **Impacting Merrimack Co & Central NH:** OK'd sale of ~1 acre of state land in Concord across the street from the hospital to the adjacent Dartmouth-Hitchcock; exotic aquatic plant removal on Lake Massasecum in Bradford; and surface mapping of the Merrimack River.

(2) **Impacting the Monadnock Region:** OK'd a loan for capping hazardous urban fill and coal ash at the former B&M railway in Keene.

(3) **Impacting Strafford & Belknap Co:** Contracted with Strafford Community Action Program on local weatherization assistance; Mad River Restoration design work in Farmington; ok'd a public hearing for bridge replacement in Farmington; and water system improvements and repaving on Rt 126 north of John Tasker Rd in Barnstead.

(4) **Other projects & policies with statewide impact:** Contracted for outside help establishing proper compensation levels for individual state employees/roles; investigating gun permit fraud in Manchester; stakeholder engagement in advance of Phase II of Medicaid Managed Care; and heard withdrawal of an Education consulting contract for \$117k.

Full details on all these items are included below, as well as all positions nominated & confirmed.

The next meeting is on August 14<sup>th</sup> in Plymouth. If you have any questions, please don't hesitate to let me know.

Sincerely,

Colin

Executive Councilor, District 2

**FULL 7/24 AGENDA: <http://1.usa.gov/1311edp>**

(or follow the links below for documentation of each item)

*The Council:*

### **1. DETAIL: CENTRAL NH PROJECTS**

Authorized to sell the State-owned land, building, and other improvements located at 247-249 Pleasant Street, Concord, to Dartmouth-Hitchcock Clinic for \$900,000 plus an administrative fee of \$1,100. (2)Further authorize to pay 6% of the gross proceeds from the foregoing sale (amounting to \$54,000) to the Norwood Group Inc., Bedford, NH, as its commission for real estate brokerage and marketing services provided. Effective upon G&C approval. **100% Net Proceeds from Sale (General Funds).**

Authorized to enter into grant agreements with Lake Massasecum Improvement Association Inc., Bradford, NH, in the amount of \$3,360; and with the Town of New Durham, in the amount of \$4,738, totaling \$8,098 to fund exotic aquatic plant control activities. Effective upon G&C approval through December 31, 2013. **100% Lake Restoration Funds.**

Authorized to enter into an agreement with the Central New Hampshire Regional Planning Commission, Concord, NH, to complete the Impervious Surface Mapping in the Upper Merrimack River Region project, in the amount of \$16,380. Effective upon G&C approval through September 30, 2015. **100% Federal Funds.**

### **2. DETAIL: MONADNOCK PROJECTS**

Authorized to enter into a loan agreement with Railroad Land Development LLC, Keene, NH, for remediation of environmental contamination, in an amount not to exceed \$480,000. Effective upon G&C approval. **100% Federal Funds.**

### **3. DETAIL: STRAFFORD/BELKNAP PROJECTS**

Authorized to enter into a **sole source** contract with Community Action Partnership of Strafford County, Dover, NH, for the federal Weatherization Assistant Program, in the amount of \$2,500. Effective July 24, 2013 through August 31, 2013. **100% Federal Funds.**

Authorized to enter into an agreement with the Town of Farmington NH, to complete the Mad River Restoration Project Phase I: Design and Permitting, in the amount of \$22,800. Effective upon G&C approval through December 31, 2015. **100% Federal Funds.**

Authorized the Bureau of Right of Way's petition for a hearing on the bridge replacement in the Town of Farmington, and to appoint a commission to hold a hearing, and if the necessity is found, to layout the new highway, with a suggested budget of \$939.

Authorized the Bureau of Construction to enter into a contract with Pike Industries Inc., Belmont, NH, for pavement rehabilitation on NH Route 126 to the north of John Tasker Road in Barnstead, on the basis of a low bid of \$294,540.30. (2)Further authorize a contingency in the amount of \$29,454.03 for payment of latent conditions which may appear during the construction of the project. Effective upon G&C approval through October 18, 2013. **100% Betterment Funds.**

Authorized a loan agreement with Pennichuck East Utility, Inc., Merrimack, NH, in the amount not to exceed \$400,000, to finance water system improvements in Barnstead, NH. Effective upon G&C approval. **79% Federal, 21% Capital (General) Funds.**

#### 4. DETAIL: STATEWIDE PROJECTS & POLICIES

Authorized to enter into a **sole source** contract with The HayGroup Inc., Philadelphia, PA, to provide consulting services for the administration and management of the classification and compensation plans for unclassified employees, in the amount of \$20,000. Effective upon G&C approval through June 30, 2015. **100% General Funds.**

Authorized to enter into a sub grant with the Manchester Police Department for a total amount of \$9,680, from the Project Safe Neighborhoods Initiative for the purpose of investigating gun permit fraud. Effective upon G&C approval through September 30, 2013. **100% Federal Funds.**

Authorized to enter into a **sole source** agreement with Louis Karno & Company LLC, Concord, NH, to provide Stakeholder Engagement Services related to the State Innovation Model project, in an amount not to exceed \$111,032. Effective upon G&C approval through December 31, 2013. **100% Federal Funds.**

WITHDRAWN – A request to secure the services of Karen Soule, Manchester, NH, to assist with implementing the Educator Effectiveness Initiative used by schools to improve instruction, in an amount not to exceed \$117,000. Effective upon G&C approval through June 30, 2014. **85% Federal, 15% Credentialing Funds.**

#### 5. DETAIL: APPOINTMENTS & NOMINATIONS:

(\* = District 2 Resident)

Nominated by Governor Hassan;

**Board of Barbering, Cosmetology, and Esthetics:** Kimberly A. Hannon, Hopkinton\*

**Department of Safety, Dir of Administration:** Elizebeth A. Bielecki, Bedford

**Higher Education Commission:** Peter T. Koch, Stratham

**Motor Vehicle Industry Board:** Lawrence J. Blaney, Manchester

**Nashua Police Commission:** Thomas J. Pappas, Nashua

**Pesticides Control Board:** Jeffrey M. Taylor, Richmond

**State Committee on Aging:** Kathryn C. Cauble, Freedom; Sherri W. Harden, Goffstown; Margaret Moser, Lancaster

Confirmed:

**Director of Homeland Security and Emergency Management:** Perry E. Plummer, Dover\*

**Medical Review Subcommittee:** Patricia C. Sherman, Newbury\*

**Volunteer NH Board of Directors:** Kelly A. Clark, Webster\*

**Major, NH Air National Guard:** Captain Alexis W. Bull, Dover\*

**Enhanced 911 Commission:** Douglas M. Aiken, Moultonborough

**Executive Branch Ethics Committee:** Andrew R. Schulman, Bedford

**Fish and Game Commission:** James W. Ryan, Northwood

**Historical Resources Council:** Tim Sappington & Robert B. Stephenson

**Housing Finance Authority:** John Cuddy, Freedom

**Judicial Council:** Shari J. Landry, Loudon

**Board of Land Surveyors:** William J. Doucet, Newmarket

**Motor Vehicle Industry Board:** Cameron Eldred, Hanover

**Pre-Engineering Technology Advisory Council:** Corinne Cascadden, Berlin

**Board of Psychologists:** Susan G. Vonderheide, Nashua

**Retirement System Board of Trustees:**

John T. Beardmore, Hopkinton\*

Richard A. Gustafson, Bedford

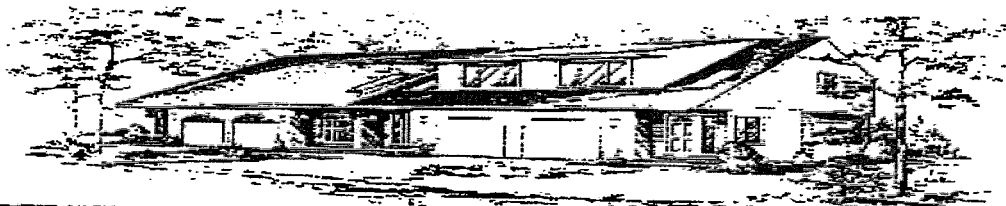
Karen A. McDonough, Peterborough

Donald M. Roy, Merrimack

John G. Wozmak, Keene\*

###





8 INF 5

MA  
CA

• M C K E N N A ' S • P U R C H A S E •

July 23, 2013

Mayor Jim Bouley  
City of Concord  
41 Green Street  
Concord, NH 03301

Re: Northern Pass EIS Letter

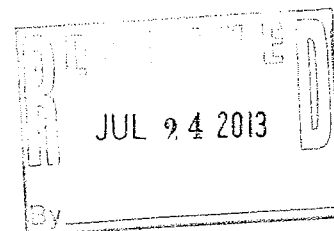
Dear Mayor Bouley;

On behalf of the residents of McKenna's Purchase condominiums at 84 Branch Tpke, I wish to thank yourself, City Manager Aspell, and all of the members of the City Council, Conservation Committee, and Planning Board for their work which culminated in the June 21, 2013 letter sent to the U.S. Department of Energy concerning the potential impact of the proposed Northern Pass Transmission Project on the City of Concord. Myself and the other members of our Northern Pass Committee were most pleased to read the City's letter, which so clearly listed the concerns of ours –and indeed all of Concord- over the proposed Northern Pass project. Actions such as this taken by the City are a bold statement to the agencies and entities that will be evaluating projects like Northern Pass. Again, thanks to all involved for their efforts and support.

Sincerely,

Scott H. Smith

McKenna's Purchase Northern Pass Committee Chair  
84 Branch Tpke Unit 98  
Concord, NH 03301-5784



McKenna's Purchase Unit Owners Association  
84 Branch Turnpike # 150 • Concord • NH • 03301 • 603-204-8764





The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



July 12, 2013

Jack Shields  
5 Steeple View  
Concord, New Hampshire 03303

Dear Mr. Shields:

I am pleased to appoint you to a three-year term on the Contoocook River Local Advisory Committee. Your term will begin on July 12, 2013 and end on July 12, 2016. The success of the NH Rivers Management and Protection Program relies heavily on the commitment of citizen volunteers like yourself, and we sincerely appreciate your willingness to serve on the committee.

As a member of the Contoocook River Local Advisory Committee, your responsibilities are to: 1) advise the Commissioner of this Department, the statewide Rivers Management Advisory Committee, and the municipalities through which the Contoocook River flows, on matters pertaining to the management of the river; 2) consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities that would alter the resource values and characteristics for which the river was designated; 3) develop or assist in the development and local adoption of a local river corridor management plan under RSA 483:10; and 4) report biennially to the Rivers Management Advisory Committee and the Commissioner on the status of compliance with relevant federal and state laws and regulations, local ordinances, and plans. I have attached a copy of RSA 483, the Rivers Management and Protection Act and a fact sheet about the Program and the Contoocook River.

You may wish to contact Michelle Hamm, Committee Chair, at 428-7859 or [mhamm@mpm.com](mailto:mhamm@mpm.com) for the next meeting date and location. Jacquie Colburn, Lakes & Rivers Coordinator, will be glad to answer any questions that you may have about the Rivers Program or your responsibilities. You may reach Jacquie at 271-2959.

Congratulations on your appointment and thank you for your dedication to the rivers of New Hampshire.

Sincerely,

Thomas S. Burack  
Commissioner

Enclosures

cc: Concord City Council ✓

Michelle Hamm, Chairman, Contoocook River LAC (via e-mail)

Michael Tardiff, Executive Director, Central NH Regional Planning Commission (via e-mail)

Jacquie Colburn, Lakes & Rivers Coordinator, DES Watershed Bureau (via e-mail)

Thank you  
for serving!

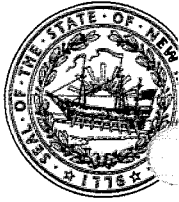
DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-2457 • Fax: (603) 271-7894 • TDD Access: Relay NH 1-800-735-2964



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

July 12, 2013

100

Frederick Chormann Jr.  
47 Jackson Street  
Concord, New Hampshire 03301-4565

*Rick*  
Dear Mr. Chormann:

I am pleased to inform you that you have been reappointed to an additional three year-term on the Upper Merrimack River Local Advisory Committee. Your term will begin on July 12, 2013 and end on July 12, 2016. We have been fortunate over the years for your willingness to serve and are grateful for the considerable investment of your time, energy, and ideas.

I think I can speak for both the Department and the local river advisory committee when I say that we look forward to your continued involvement with the committee and your enduring commitment to the river and its many resource values.

Please contact Jacquie Colburn, Lakes & Rivers Coordinator, at 271-2959 if we can provide any additional assistance to you or to the committee. The long-term success of the Rivers Program is dependent on the continued cooperative relationship of the local river advisory committee and the Department, and we stand ready to assist you in any way we can.

Sincerely,

Thomas S. Burack  
Commissioner

cc: Concord City Council ✓  
Michele L. Tremblay, Chair, Upper Merrimack River LAC (via e-mail)  
Michael Tardiff, Executive Director, Central NH Regional Planning Commission (via e-mail)  
Jacquie Colburn, Lakes & Rivers Coordinator, DES Watershed Bureau (via e-mail)

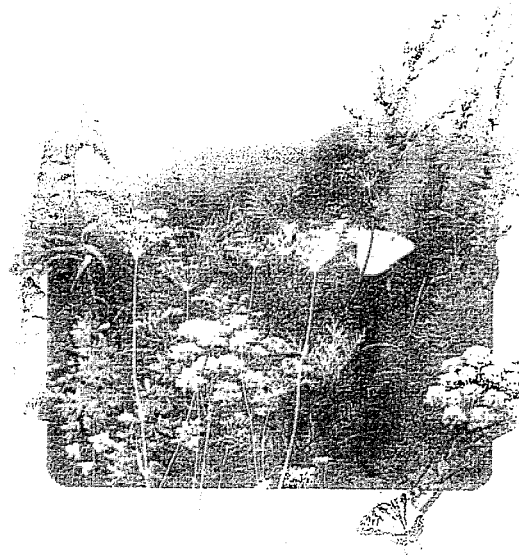
Thank you!

194

## In Loving Memory

Duncan Ballantyne  
March 1, 1952-July 6, 2013

I'd like the memory of me  
to be a happy one.  
I'd like to leave an after glow  
of smiles when life is done.  
I'd like to leave an echo  
whispering softly down the ways,  
Of happy times and laughing times  
and bright and sunny days.  
I'd like the tears of those who  
grieve, to dry before the sun,  
Of happy memories that I leave  
When life is done.



Printed in U.S.A.

#354 12-2013

Mayor Jim Bouley & members  
of Concord City Council —

Our family was so  
touched by the beautiful  
arrangement that was  
sent. We have such wonderful  
memories of our 9 years living  
in Concord. The article in  
the Concord Monitor was such  
a tribute to Duncan. He  
loved the city and all the  
folks he worked with. Over  
the past year and a half, we  
have received numerous cards  
wishing us well. Our deepest  
gratitude — Mandy, Crystal & Spencer

During a time  
like this  
we realize how much  
our friends really mean  
to us. . . . .

Your expression  
of sympathy will always  
be remembered



Congress of the United States  
Washington, DC 20510

July 30, 2013

The Honorable Anthony Foxx  
Secretary of Transportation  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590


Dear Secretary Foxx:

As you may know, in 1994 the New Hampshire Department of Transportation initiated a project to replace the Sewalls Falls Bridge in Concord, NH. We write to urge that the Federal Highway Administration approve the City of Concord's environmental analysis and proposal to replace the bridge, and that the FHWA utilize all existing authority to expedite this critical effort.

The Sewalls Falls Bridge, constructed in 1915, is a one-lane roadway that provides local access to both the east and the west sides of the Merrimack River in the northern section of Concord. This bridge is the only local link in the area that does not require drivers to use Interstate 93 to cross the Merrimack. A recent structural inspection and load rating analysis undertaken by the City of Concord revealed that the Bridge's structural components have deteriorated significantly and would be prohibitively expensive to rehabilitate. As a consequence of this inspection, it is likely that the maximum permitted vehicle weight on the Sewalls Falls Bridge will be downgraded to three tons, which would significantly lengthen emergency response times to certain areas of Concord. We are troubled by the impact a weight downgrade could have on public safety and know that, as a former Mayor, you understand our concern.

In order to ensure that any disruption of emergency response services is minimized, we respectfully urge that the Federal Highway Administration authorize the City of Concord to replace the Sewalls Falls Bridge without delay. Moreover, we request that the Federal Highway Administration continue to work with Concord officials to shorten the project delivery timeline using all applicable procedures established through the Every Day Counts Initiative. Thank you for your attention to this important matter.

Sincerely,



Jeanne Shaheen  
United States Senator



Ann McLane Kuster  
Member of Congress

CC: The Honorable Victor M. Mendez  
Federal Highway Administration



**CONCORD HOUSING & REDEVELOPMENT**  
**Board of Commissioners**  
**Annual Meeting Minutes**  
**June 5<sup>th</sup>, 2013**

49

The Concord Housing & Redevelopment's Board of Commissioners met June 5<sup>th</sup>, 2013 at 23 Green Street Concord, NH 03301.

- I.** Chairperson Ari Pollack called the meeting to order at 8:57am and asked for roll call. The response:

<b>PRESENT</b>	<b>ABSENT</b>
Commissioner Pollack	
Commissioner Fowler	
Commissioner Madden	
Commissioner Burger	
Commissioner Rounds	

Also present at the meeting were Housing Authority Staff: John Hoyt, Executive Director, Craig Dunning, Special Projects, and Heather Sargent, Director of Administration.

- II.** The Chair called for a motion on the May 1<sup>st</sup>, 2013 meeting minutes. Commissioner Rounds moved the motion and Commissioner Madden seconded it. All were in favor and the motion passed unanimously.
- III.** The Chair then called for a review of General Correspondence. Mr. Hoyt shared the letter from City Manager, Tom Aspell, reappointing Commissioner Fowler and Pollack for another five year term to the Board. There was no other correspondence so the period was declared closed.
- IV.** The Chair then opened the floor for public comment regarding the Annual Plan. There was no one from the public present and the period was declared closed.
- V.** The Chair then opened the floor for general public comment. There was no one from the public present and the period was declared closed.
- VI.** The Chair then called attention to the Old Business portion of the agenda: There was no Old Business to be discussed and the period was declared closed.
- VII.** The Chair then called attention to the New Business portion of the agenda:

**1. RESOLUTION #1298: Resolution Approving the Annual Plan and Policies.**

Mr. Hoyt reminded the Board that language about the addition of units at JFK had been previously e-mailed to them. He also stated that the changes to the plan had been posted in the paper, on the website and a tenant meeting had been conducted at JFK and there had been no comments of significance. Commissioner Fowler moved the motion be accepted and Commissioner Burger seconded it. All were in favor and the motion passed unanimously.

**2. RESOLUTION # 1299: Resolution approving the FYE 2014 Annual Budget.**

Mr. Hoyt explained that the budget contained figures for the Central Office Cost Center (COCC), AMP 1, AMP 2 and the Section 8 program. The only item he changed from the draft issued last month was the projected Tenant Income in the AMP's. He explained that whereas HUD's budget is unknown, he took 2012 funding levels and adjusted them down by 5%. He also stated that there are no increases for staff in the budget. Commissioner Madden asked what the line item "Tenant-Other" was. Mr. Hoyt explained this was for expenses like the food pantry operated out of the Crutchfield building. Commissioner Burger clarified that the budget for Pitman Place was not included in the AMP's. Commissioner Fowler inquired about how the budget for Section 8 was made. Mr. Hoyt responded that it was his best estimate and that he did expect to break even at least through the end of this fiscal year. Commissioner Fowler moved the motion be accepted. Commissioner Madden seconded it. All were in favor and the motion passed unanimously.

**3. Other: Election of Officers**

Commissioner Madden was nominated to serve as Chairperson and Commissioner Pollack was nominated as Vice Chair. Commissioner Burger moved that these Commissioners be appointed as nominated. Commissioner Rounds seconded it. All were in favor and the motion passed unanimously.

There was no other New Business to be discussed and the period was declared closed.

The newly appointed Chairperson asked for a motion to adjourn. Commissioner Pollack moved the motion and Commissioner Fowler seconded the meeting be adjourned. The motion to adjourn was passed unanimously and the meeting was declared over at 9:18 am.

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City of Concord  
Transportation Policy Advisory Committee

Meeting Minutes

Thursday, June 27, 2013 - 6:00pm to 8:30pm  
City Council Chambers

1. **Call to Order/Introductions**

Dick Lemieux called the meeting to order. Those in attendance included:

Committee Members Present:

Dick Lemieux (Downtown - Chair)  
Brent Todd (Penacook)  
Ursula Maldonado (At-Large)  
Craig Tufts, (Bike Community)  
Alex Vogt (Pedestrian Community)  
Jim Sudak (Concord Area Transit) (Public Transit)  
Ed Roberge, City Engineer - Staff Representative  
Jennifer Kretovic (City Council)

Committee Members Not Present:

Keith Nyhan, City Council  
Rob Werner, City Council  
Tom Irwin (North/West Concord)

Staff, Visitors and Guests Present:

Rob Mack, Traffic Engineer - Staff Representative

2. **Approval of March 28, 2013 meeting minutes**

Approval of the minutes was tabled to the next meeting to allow additional time for member review.

3. **Presentations**

There were no presentations at this meeting.

4. **Public Comment**

There were no members of the public in attendance.

5. **Consent Reports**

a. **Approval of Subcommittee Minutes (Pedestrian, Bicycle, Public Transit, and Traffic Operations)**

Approval of subcommittee minutes was tabled to the next meeting to allow additional time for member review.

6. **TPAC Referrals from City Council, Staff and Chair**

There were no new referrals to consider.

Regarding past referrals to TOC/TPAC, Ed Roberge noted that on June 10, 2013, City Council approved the expanded No Parking restrictions in the area surrounding the Abbot-Downing School campus. City Council would take the lead in fostering a discussion with the School Board regarding further consideration of on-campus traffic management measures as suggested earlier by staff and also as received at the March 25, 2013 neighborhood meeting.

City Council also accepted the TOC report on the revision of STOP sign locations on Heather Lane. A public hearing on the proposed Ordinance change is scheduled for July 8, 2013.

**7. Status report on subcommittees**

**a. Pedestrian Committee, Alex Vogt**

Alex Vogt reported that the Pedestrian Committee did not meet last month. Several members and staff did attend a Walkable Communities presentation at the Red River Theater hosted by Plan NH, Vibrant Villages New Hampshire and the NH Housing Authority.

**b. Bike Committee, Craig Tufts**

Craig Tufts reported that the Bike Committee has been reviewing the results of the Concord-area bicycle/pedestrian counts that were conducted in May 2013. CNHRPC has developed a Google map of the count locations and results. Craig will coordinate with Jeff Warner on compiling the data into a spreadsheet for future comparison and reporting purposes. The committee is also looking into alternative bike-lane symbols that might retain their legibility better after several repainting than the ones currently used city-wide.

**c. Public Transit Committee, Jennifer Kretovic**

Jennifer Kretovic reported that the committee did not meet last month. Ursula Maldonado and Jim Sudak made excellent presentations to City Council during FY 2014 budget discussions regarding CAT funding. Jim Sudak reported that ridership has been low at the recently instituted bus stop at Friendly Kitchen. It was noted that the new service reflects warm-weather conditions, and that ridership is anticipated to increase when winter weather arrives.

Jim Sudak distributed a future schedule for express bus service to be instituted on July 1, 2013 between Manchester Airport and the Stickney Avenue bus terminal in Concord. The service will be provided by Manchester Transit Authority and has been coordinated with CAT bus schedules to provide for timely and convenient transfers. An all-day pass to use this express route will cost \$4.00 (\$2.00 for seniors/disabled).

**d. Traffic Operations Committee, Rob Mack**

Rob Mack reported that the Traffic Operations Committee met on June 19, 2013 and discussed a Council referral regarding safety concerns at the S. State/Thorndike intersection following a spate of crashes this spring. Review of crash history since 2010 indicates a low crash incidence of one per year from 2010 to 2012, but four crashes occurring this spring warranted further investigation. The predominant crash was related to Thorndike Street westbound traffic (coming from Main Street)

failing to stop at the STOP sign or yield to S. State Street traffic resulting in angle collisions. TOC felt that enhanced identity of the intersection and stop condition when approaching from Main Street was an appropriate countermeasure. As such, General Services recently upgraded the stop sign, trimmed select vegetation and repainted crosswalks and stop lines. Staff will continue to monitor.

Another Council referral to TOC involved a safety and operational concern regarding left-turns to/from the Centre Street driveways to the Prescription center and TD Banknorth driveways just west of the Main/Centre/Loudon intersection. These turns affect traffic operation at the nearby signal and generate crashes, particularly when traffic queues from the signal extend back across the driveway locations. TOC concurred that the driveway locations are too close to the intersection and that left turns here are not appropriate given present traffic conditions along Centre Street. However, potential restrictions to these movements have impacts on the existing businesses. Ed Roberge plans to discuss this concern with the two businesses in the near future as part of Main Street project design effort.

#### **8. Staff Updates**

##### **a. Downtown Complete Streets Improvement Project - TIGER 2012 (CIP460)**

Ed Roberge provided a brief update on the status of the Downtown Complete Streets Improvement Project. Final plan review is underway and the team is still fine-tuning accessibility elements. Two sample lighting fixtures would be installed on Main Street in front of Citizens Bank next week for purpose of soliciting public feedback on lighting performance. A proposal to test back-in angled parking on a short section of S. Main Street did not gain traction and was abandoned. Construction is scheduled to begin this fall with underground utility work. Work hours are being discussed with residents and businesses, and it is anticipated that night work will be least disruptive to the overall downtown area.

TPAC discussion included proposed kiosks, and if new ones were considered, would they have capability to take dollar bills in addition to credit cards and coins. Jennifer Kretovic noted that City Council approved a new staff position to coordinate development in the downtown area including parking management. The new position will work with the Parking Committee to develop an improved downtown parking management plan. Brent Todd suggested that it would be beneficial if TPAC could receive regular updates of parking committee efforts as we move forward.

#### **9. Old Business**

##### **a. Review of Comprehensive Transportation Policy**

Further discussion of the policy was tabled to the next meeting to allow for input from Tom Irwin regarding his prior suggestions related to potential roundabout policy.

##### **b. Review of Accomplishments**

Rob Mack noted that a partially updated draft document was in progress including enhancements to overall formatting and select accomplishment updates to TOC and other sections. The Chair asked that this updated draft be emailed to members with a request that all subcommittee chairs review and update their respective sections to

add accomplishments through 2013. Edits/updates should be forwarded to Rob Mack for compilation into an updated overall document which will form the basis for additional TPAC review and refinement at the next meeting. The Chair requested that subcommittee chairs submit their updates reasonably in advance of next meeting to allow staff time to compile and update the draft document. Staff will send e-reminders if necessary about two weeks before the next meeting.

#### **10. New Business**

##### **a. City Manager's Representative to TPAC**

Ed Roberge announced that due to his increasingly heavy project commitments he felt unable to appropriately support the administrative needs of TPAC. At his request, the City Manager designated Rob Mack to replace Ed as the City Manager's representative to TPAC. Ed noted that he will continue to fully participate in TPAC, but that coordination and administrative efforts will be shifted to Rob. The Chair acknowledged the strong support Ed has provided TPAC since its inception including depth of knowledge and experience related to transportation matters in the City.

##### **b. TPAC Membership Update**

Ed Roberge noted that there are three vacant TPAC positions: a 'large employer' representative; a 'vehicle safety and operations' representative; and an 'at large' representative. Prospective individuals/companies were discussed and several members offered to contact individual to inquire if interested.

##### **c. Pavement Marking Program**

Alex Vogt noted a concern that it is well into June but there are still crosswalks that have yet to be repainted as part of the spring repainting program. Ed Roberge noted that it has been a very wet spring and anticipates that inclement weather has slowed the city-wide street painting effort. Concerns were also noted that it appeared that some markings such as stop lines in residential areas were being repainted whether they needed it or not, and if initial repainting efforts could rather be focused on busy crosswalks and high-traffic areas. Ed Roberge offered to follow up with General Services on the concern.

#### **11. Adjourn**

There being no other items to discuss, Ursula Maldonado made a motion to adjourn. The motion was seconded by Brent Todd. The motion carried and the meeting adjourned.



John F. Duval  
Chief of Police

# City of Concord, New Hampshire

## POLICE DEPARTMENT

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### PARKING COMMITTEE MEETING

July 15, 2013 at 4:30 p.m.

#### PRESENT:

City Councilor Mark Coen  
City Councilor Jennifer Kretovic  
City Councilor Fred Keach  
Intown Concord Representative Tonya Rochette  
Intown Concord Representative Pam Peterson  
Chamber of Commerce Representative Mark Ciborowski  
Parking Clerk Alison Sinisgallo  
Parking Manager Dave Florence

#### ABSENT:

City Councilor Allen Bennett  
Community Representative Jeff Bart  
Intown Concord Representative Sue McCoo  
Concord Area Transit Representative Jim Sudak

#### GUESTS:

Deputy City Manager Carlos Baia  
Assistant for Special Projects Matt Walsh  
Traffic Engineer Rob Mack  
Chris Demers

#### Monthly Review Items

##### 1. Review previous committee minutes

City Councilor Jennifer Kretovic moved to accept the minutes of the April 2013 meeting. Intown Concord Representative Tonya Rochette seconded. The motion passed unanimously.

##### 2. Previous Monthly Citation / Finance Activity

Parking Manager Dave Florence reviewed the number of parking citations issued during the 2012-2013 fiscal year. There were 963 fewer parking citations issued this fiscal year as compared last fiscal year.

The Parking Fund finished the year \$41,088.08 below the projected budget.

## New Items or Presentations

### 1. Request from Chris Demers, 15 Hutchins Street to add parking back to Knight Street

Traffic Engineer Rob Mack reviewed a request from Chris Demers of 15 Hutchins Street. Mr. Demers asks that on street parking be restored to the East side Knight St. According to Mr. Mack, restoring the parking spaces would not create a sightline issue. There should be room for 2 vehicles to park on the East side of Knight Street between Hutchins Street and the crosswalk in front of Second Start. After much discussion about signage and street markings, Chamber of Commerce Representative Mark Ciborowski moved to make a recommendation to City Council to rescind ordinance 2818 enacted March 14, 2011. City Councilor Fred Keach seconded the motion. The motion passed unanimously.

### 2. Communication from June Latti, 10 Court Street regarding a citation received for overtime 3 hour zone.

The committee reviewed a letter from June Latti of 10 Court Street requesting permission to stay longer than the 3 hour limit posted on Court St. Ms. Latti has a lengthy history with the Parking Enforcement Unit, including a lawsuit against the City of Concord. The lawsuit was dismissed in 2011. Mr. Keach moved to acknowledge receipt of Ms. Latti's correspondence and inform Ms. Latti that the committee supports the existing ordinance. Intown Concord Representative Pam Peterson seconded. The motion passed unanimously.

### 3. Referral to TOC and Parking Committee regarding S. State and Thorndike regarding restricting parking on the west side of S. State.

Mr. Mack reviewed a letter from Timothy Willis of 8 Thorndike Street requesting parking be banned on the West side of South State Street near the intersection of Thorndike Street. The request being made due to the large number of motor vehicle accidents in the area. Of the 7 accident reported since 2010, 5 have been the result of motor vehicles headed west bound on Thorndike. Vehicles parked on the West side of South State Street do not interfere with the sightline of vehicles traveling West on Thorndike Street. At this time, parking is not permitted on the East side of South State Street; the West side is posted "No Parking Here to Corner" North and South of Thorndike Street. Mr. Ciborowski moved to deny the request. Mr. Keach seconded. The motion passed unanimously.

### 4. Request from Penacook resident, John Rhodebeck, asking to remove the "one hour" parking time limit from Charles Street in Penacook.

The committee reviewed a letter from John Rhodebeck of 14 Charles Street, requesting the one hour parking time limit be lifted from Charles Street in Penacook. The time limit was enacted October 12, 1999. At this time, there does not appear to be a great need for short term parking on Charles Street. Mr. Keach moved to recommend to City Council ordinance 2322 be rescinded. Mr. Ciborowski seconded. The motion passed unanimously.

## Open Discussion

1. City Councilor Mark Coen asked if the committee meetings could take place as needed, rather than monthly. Mr. Florence deferred to the committee's preference. Assistant for Special Projects Matt Walsh will send a memo to committee members outlining future meetings.

Mr. Keach moved to adjourn. Mr. Ciborowski seconded. The motion passed unanimously. Meeting adjourned.

DRAFT





## Engineering Services Division

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# Traffic Operations Committee

## Meeting Minutes – July 16, 2013

Attendees: Rob Mack, PE, PTOE, Engineering Services  
Ed Roberge, PE, Engineering Services  
Steve Henninger, Planning Division  
Jim Major, General Services  
Rick Wollert, Concord Fire Department  
Dick Lemieux, TPAC Chair

### A. Regular Discussion Items

- 1) Overview of city-wide accident data, including prior-month accident summary and discussion of select accident locations, circumstances and potential action.

DISCUSSION / ACTIONS: Traffic accident data for June 2013 was reviewed. There were 101 reportable accidents in June 2013. This compares with 107 and 93 reportable accidents in June 2012 and 2011, respectively. 27 accidents resulted in total of 32 people injured, 5 of which occurred on Loudon Road. There were no fatalities.

There were no accidents involving pedestrians.

There were two accidents involving bicyclists: a bicyclist aged 10 years traveling eastbound along Perley Street on the sidewalk and being struck by a vehicle backing out of a driveway between buildings (minor injury, bicyclist at fault, no helmet worn); and a bicyclist aged 12 years traveling southbound along South Street on the sidewalk and when crossing Roosevelt Street was struck by a vehicle turning left from South Street into Roosevelt Street (minor injury, both driver and bicyclist at fault, helmet worn).

- 2) City Council meeting update.

DISCUSSION / ACTIONS: At its June meeting and public hearing, Council amended the Ordinance to remove STOP former signs from both of the Heather Lane approaches to Gabby Lane.

- 3) Transportation Policy Advisory Committee (TPAC) update.

DISCUSSION / ACTIONS: At its June meeting, TPAC received an update on the Main Street Complete Streets Project and continued development of a list of TPAC accomplishments since its inception in 2008.

### B. On-going Discussion and Action Items.

- 1) Referral from City Council regarding a driver concern on traffic conflicts between Centre Street vehicles and traffic turning left at the driveways to the Prescription Centre and TD Banknorth. (Council: 05/13/13).

**DISCUSSION / ACTIONS:** Discussion deferred pending feedback from the Prescription Center and TD Banknorth regarding potential intersection modifications and related driveway access changes.

- 2) Referral from City Council regarding resident concerns on safety at the S. State/Thorndike intersection and requests to consider further parking restriction, installation of multi-way STOP and/or conversion of Thorndike to one-way operation (Council: 05/13/13).**

**DISCUSSION / ACTIONS:** Rob Mack reported that the Parking Committee considered this referral at its July 15, 2013 meeting. It concurred with TOC findings reported in June and recommended denial of the requested parking restriction. A report from TOC on this referral will be submitted to Council in August.

### **C. New Discussion and Action Items**

- 1) Request from a resident on Portsmouth Street concerning traffic speed along Portsmouth Street near the Eastman Street intersection (Engineering: 06/21/13).**

**DISCUSSION / ACTIONS:** At issue is a resident complaint on traffic speed along Portsmouth Street near his residence at #8, just east of the Eastman Street intersection. A reduced speed limit or speed bumps are requested. Rob Mack reported that staff field-viewed this section of Portsmouth Street. It is currently posted at the statutory 30 mph speed. There is an old 20 mph advisory speed plaque posted on the Eastman Street southbound approach to the turn at Portsmouth Street that appeared to be the remains of what used to be a combination curve sign with advisory speed plaque. No such sign is located on the Portsmouth Street westbound approach to the Portsmouth/Eastman intersection.

Engineering Services conducted traffic volume and speed counts on Portsmouth Street in the vicinity of the Eastman Street intersection (near #8) for a 72-hour weekday period between June 14 and 17, 2013. Average recorded speeds were 19 mph and 85th percentile speeds were 24-26 mph, with the higher of the speeds measured in the westbound direction. Of the 1053 vehicles measured over the three-day count period, 4 (0.4%) were travelling in the highest recorded speed range of 36-40 mph.

TOC felt that overall speeds at this location were appropriate, if not well below the posted 30 mph speed limit. TOC concurred that excessive speed did not appear to be a prevalent issue. Somewhat-elevated speeds appeared to be limited to a few inconsiderate drivers. The speed data was provided to the police department to assist in selecting a time of day for potential enforcement. Regarding advisory signage at the curve at the Portsmouth/Eastman intersection, TOC recommended the installation of CURVE signs and 10 mph advisory speed plates on both approaches. General Services will remove the old 20 mph plaque and install the new signs in the near future.

- 2) Referral from City Council regarding a resident concern on traffic speed along Church Street between Bouton Street and N. State Street and request for a speed zone sign. (Council: 07/08/13).**

**DISCUSSION / ACTIONS:** The subject segment of Church Street is approximately 370 feet long. The former Walker School fronts the north side of the street and several residential and business parcels are along the south side. The street is posted for 25 mph. Traffic enters this street segment from either a stop condition or a low-speed turn from either Bouton or N. State Street, and must again come to a stop condition before exiting the segment at either of these same intersecting streets.

Engineering Services conducted traffic volume and speed counts on this segment of Church Street for a 48-hour weekday period between July 15 and 17, 2013. The data recorder was located near #5, or about midway between Bouton Street and N. State Street where the highest traffic speeds would be expected. Average recorded speeds were 14 to 18 mph and 85th percentile speeds were 19 to 23 mph, with the higher of the speeds measured in the eastbound direction. Of the 1414 vehicles measured over the two-day count period, 11 (0.8%) were travelling in the highest recorded speed range of 31-35 mph. Staff also observed traffic flow on this segment during the afternoon commuter peak period and did not see any apparently-excessive traffic speeds.

TOC felt that overall speeds were appropriate, if not well below the posted 25 mph speed limit. TOC concurred that excessive speed did not appear to be a prevalent issue, and that the geometry and traffic control on either end of the short street segment do not promote excessive-speed travel. Consideration of additional speed controls does not appear justified. Somewhat-elevated speeds appeared to be limited to a few inconsiderate drivers. The speed data was provided to the police department to assist in selecting a time of day for potential enforcement. A report from TOC on this referral will be submitted to Council in August.

#### **D. Open Discussion Items**

**1) Staff response to miscellaneous inquiries (refer to correspondence in agenda packet).**

DISCUSSION / ACTIONS: None.

**2) Discussion of Weeble locations.**

DISCUSSION / ACTIONS: The Main Street Complete Street Project does not currently envision the use of weebles along Main Street following the construction of improvements. This will result in a surplus of weebles that might be available for redeployment at other appropriate locations across the city, or allow a cost savings by reducing the number of weebles deployed each year. Future use of weebles at the former Rumford School will be deferred as it appears that plans to relocate St. John Regional School to this facility have recently fallen through. The potential use of weebles on roundabout splitter islands was discussed as an option to reduce the large number of pedestrian crossing signs currently located at the city's roundabouts.

Respectfully submitted,



Robert J. Mack, PE, PTOE, Traffic Engineer  
Chair, Traffic Operations Committee

***The next Traffic Operations Committee meeting will be held on  
Tuesday, August 20, 2013 @ 12:00 PM in the 2<sup>ND</sup> Floor Conference Room.***

